

## EXTENSIONS OF REMARKS

## LEGISLATION TO AMEND THE PASSIVE LOSS RULES AND TO PROVIDE PREFERENTIAL CAPITAL GAINS TREATMENT FOR CERTAIN ASSETS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. SHAW. Mr. Speaker, today, we face a critical juncture in the Nation's economic course. With the September unemployment figures showing modest but promising improvement, the Federal budget deficit maintains its spiral almost unhindered. I am introducing legislation to address a crisis that threatens prospects for a swift and sound economic recovery. This bill, directed at a distressed industry and depressed property values, will assist a vital and broad segment of the U.S. economy—and it will get people back to work.

## ECONOMIC GROWTH

Both Houses of Congress have expended an enormous amount of energy trying to ease the burden borne by the Nation's unemployed. There has been sharp disagreement among the Members of this body over the best way to help these people. Frankly, I want to commend those Members on all sides of the issue who have labored to find a solution.

Although the September unemployment numbers indicate that the economy is moving in the right direction, improvement is too slow. And the sad fact is that Congress has done nothing to create employment. Not only that, but Congress has had a great deal to do with creating unemployment.

Within the last few days it seems that tax relief and economic growth packages have become the popular thing to do, all the rage as some would say. While they may be politically popular, I am concerned that many of the so-called growth plans are too broad to achieve maximum effectiveness. The Nation needs Congress to focus on specific areas of the economy that deserve relief. What we do not need is an ill-conceived shotgun solution.

In the housing and construction industries alone, just a segment of the economy, close to 500,000 net jobs were lost from June 1990 to July 1991. The bulk of this hit those in office and nonresidential construction. Additionally, the National Association of Home Builders, a group that represents the residential construction industry, estimates that some 690,000 builders are now out of work. The reason? Housing starts in 1991, according to the Washington Post, have fallen to their lowest level since 1946.

If we want to legislate responsibly, why do we hesitate to do something to get individuals in such key industries back to work? These individuals represent just one segment of unemployed Americans, and the unemployed in this

country represent just a part of the total picture of a sclerotic American economy.

## ECONOMIC CATASTROPHE

Congress has already appropriated \$160 billion for the S&L cleanup. The House Banking Committee is preparing legislation to funnel another \$80 billion into the effort, and it surely will not stop there. The cleanup effort, although unfortunately necessary, amounts to a bandaid at best.

There are many causes for the S&L catastrophe—regulatory failure, negligent congressional oversight, and a host of others. One major reason is the depression in the real estate industry, caused in large part by the plummet in values resulting from the 1986 tax changes.

Now the values of the real estate that the RTC is trying to sell remain depressed because Congress will not act to correct past mistakes. Absent congressional action, the crisis is likely to grow worse.

Commercial banks are also at risk. The Wall Street Journal reported this summer that of \$77.6 billion of commercial banks' nonperforming loans at yearend, greater than half are either real estate loans gone sour or delinquent commercial and consumer loans secured with real estate. William Seidman has stated flatly, according to the Washington Post, that the principal reason for the severe decline in the bank insurance fund "is the precipitous decline in commercial and investment real estate values eating away at bank portfolios in many parts of the country."

## ECONOMIC SENSE

It is imperative that Members of Congress seeking to legislate sound economic policy consider the Federal budget impact of any legislative action. But those who argue that legislation providing much-needed relief for the real estate industry would raise or lose a certain amount of tax dollars over a 5-year period are reading only half the story.

Stated simply, the legislation I am proposing will get a large number of the unemployed back to work. Not only that, it will reduce the cost of the S&L cleanup, and it will help prevent a similar catastrophe with commercial banks. The real economic savings to the Federal Government and ultimately to the taxpayers may be incalculable, but are undeniably real.

A great many Americans believe that Members of Congress act as though they lived in some kind of never-never land. It is time for Congress to show the American people that we can recognize economic reality.

## REAL ESTATE RECOVERY AND EMPLOYMENT ACT

My legislation, the Real Estate Recovery and Employment Act, combines passive loss relief with a reduction in capital gains tax rates. There is nothing new in this bill. The passive loss relief comes from the legislation introduced by MIKE ANDREWS of Texas and BILL THOMAS of California. The capital gains

portion is the relatively modest budget proposal submitted to Congress by the President.

In the last few months, speaker after speaker has come to the floor of the House to argue that there is a crisis in the real estate industry wrought by the Tax Reform Act of 1986. In the desire to kill the tax shelter industry, the 1986 Tax Act automatically deemed all losses from rental real estate to be passive, regardless of the level and commitment of the owners' involvement in the rental real estate business. At the same time, income from real estate activities, such as development, construction, management, leasing, and brokerage of real property, is treated as active income.

Since passive losses cannot be deducted against nonpassive income, people in the real estate business are taxed on the gross income of their overall real estate business operations and not on their net income. This discriminatory treatment of real estate entrepreneurs differs radically from the treatment of all other businesses in America. In all other cases, losses are considered to be passive only if the taxpayer does not materially participate in the activity that produces them.

The 1986 Tax Act was zealous almost beyond imagination in its attack on the tax shelter industry. Like over 300 of our colleagues who have already announced their support for passive loss relief, what I propose is not a return to the tax shelter industry but a return to tax fairness.

But as almost anyone whose life and livelihood have been destroyed or perched on the precipice of disaster by the collapse of the real estate industry can tell you, passive loss relief is only part of the problem. As much as we need it, it is no panacea for the ills of the industry.

The 1986 Tax Act also eliminated the preferential tax treatment accorded capital gains, another of the act's assaults on the viability of the real estate industry. I seriously regret the particularly partisan nature of the debate surrounding this issue over the last 2 years. The fact of the matter is that robbing real estate of the capital gains treatment accorded it under prior law robbed properties of much of the value that is needed to pull the industry out of depression.

I think there is no question that a capital gains tax cut would restore some of the value to properties that have suffered horribly over the last few years. Federal Reserve Chairman Alan Greenspan has stated that "there's no question in my mind that a capital-gains tax cut would be helpful with respect to the issue of property values and economic growth." (Wall Street Journal, Jan. 25, 1991.)

Most studies show that the cost of capital in the United States is higher than in other countries. Taxation affects the cost of capital because, in the words of a report by the Joint Committee on Taxation, "it creates a wedge between the return investors receive and the actual returns on investments. The larger the

\* This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tax wedge, the higher is the required return on investments." (Joint Committee on Taxation, Factors Affecting the International Competitiveness of the United States, p. 53 (1991).)

If we reduce the cost of capital in this country, we will increase the amount of investment—period. If we increase the amount of investment, we will increase the number of jobs for Americans. If we create enough jobs, we will not have an unemployment problem. Mr. Speaker, I urge my colleagues to cosponsor this legislation and I urge its prompt consideration and passage by the House.

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. TREATMENT OF CERTAIN REAL ESTATE ACTIVITIES UNDER PASSIVE LOSS RULES.

(a) IN GENERAL.—Subsection (c) of section 469 of the Internal Revenue Code of 1986 (relating to passive activity losses and credits limited) is amended by adding at the end the following new paragraphs:

"(7) TAXPAYERS ENGAGED IN THE REAL PROPERTY BUSINESS.—In the case of a taxpayer engaged in the real property business, the determination of what constitutes an activity and whether an activity is a passive activity shall be made by treating the taxpayer's rental real property operations, undertakings and activities in the same manner as nonrental trade or business operations, undertakings, and activities.

"(8) INDIVIDUALS ENGAGED IN THE REAL PROPERTY BUSINESS.—For purposes of paragraph (7), an individual is engaged in the real property business if—

"(A) such individual spends at least 50 percent of such individual's working time in real property operations; and

"(B) such individual spends more than 500 hours during the taxable year in real property operations.

"(9) REAL PROPERTY OPERATIONS.—For purposes of paragraph (8), the term 'real property operations' means any real property development, redevelopment, construction, reconstruction, acquisition, conversion, rental, operation, management, leasing, brokerage, appraisal, and finance operations.

"(10) WORKING TIME.—For purposes of paragraph (8), the term 'working time' means any time spent as an employee, sole proprietor, S corporation shareholder, partner in a partnership, or beneficiary of a trust or estate.

"(11) CLOSELY HELD C CORPORATIONS ENGAGED IN THE REAL PROPERTY BUSINESS.—For purposes of paragraph (7), a closely held C corporation is engaged in the real property business if—

"(A) 1 or more shareholders owning stock representing more than 50 percent (by value) of the outstanding stock of such corporation materially participate in the aggregate real property activities of such corporation; or

"(B) such corporation meets the requirements of section 465(c)(7)(C) (without regard to clause (iv)) with respect to the aggregate real property activities of such corporation."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 469(c) of such Code is amended to read as follows:

"(2) PASSIVE ACTIVITY INCLUDES CERTAIN RENTAL ACTIVITIES.—Except for rental activities treated in the same manner as nonrental trade or business activities pursuant to paragraph (7), each rental activity is a passive activity without regard to whether or not the taxpayer materially participates in the rental activity."

(2) Paragraph (4) of such section 469(c) is amended to read as follows:

"(4) MATERIAL PARTICIPATION NOT REQUIRED FOR PARAGRAPH (3).—Paragraph (3) shall be applied without regard to whether or not the taxpayer materially participates in the activity."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

#### SEC. 2. CAPITAL GAINS DIFFERENTIAL FOR INDIVIDUALS.

(a) IN GENERAL.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to treatment of capital gains) is amended by inserting after section 1201 the following new section:

##### "SEC. 1202. DEDUCTION FOR CAPITAL GAINS.

"(a) DEDUCTION ALLOWED.—If for any taxable year a taxpayer other than a corporation has a net capital gain, there shall be allowed as a deduction from gross income an amount equal to the sum of—

"(1) 30 percent of the lesser of—

"(A) the net capital gain, or

"(B) the qualified 3-year net capital gain, plus

"(2) 20 percent of the excess (if any) of—

"(A) the net capital gain, over

"(B) the qualified 2-year net capital gain, reduced by the amount taken into account under paragraph (1), plus

"(3) 10 percent of the excess (if any) of—

"(A) the net capital gain, over

"(B) the amounts taken into account under paragraphs (1) and (2).

"(b) QUALIFIED NET CAPITAL GAIN.—For purposes of subsection (a)—

"(1) QUALIFIED 3-YEAR NET CAPITAL GAIN.—The term 'qualified 3-year net capital gain' means the amount of net capital gain which would be computed for any taxable year if, in determining net long-term capital gain for such taxable year, only capital assets held by the taxpayer for at least 3 years at the time of the sale or exchange were taken into account.

"(2) QUALIFIED 2-YEAR NET CAPITAL GAIN.—The term 'qualified 2-year net capital gain' means the amount of net capital gain which would be computed for any taxable year if, in determining net long-term capital gain for such taxable year, only capital assets held by the taxpayer for at least 2 years but less than 3 years at the time of the sale or exchange were taken into account.

"(c) ESTATES AND TRUSTS.—In the case of an estate or trust, the deduction under subsection (a) shall be computed by excluding the portion (if any) of the gains for the taxable year from sales or exchanges of capital assets which, under section 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets.

"(d) TRANSITIONAL PROVISIONS.—

"(1) SALES AND EXCHANGES DURING 1991.—In the case of sales and exchanges after September 30, 1991, and before January 1, 1992, subsection (a) shall be applied by substituting '30 percent' for each of the percentages contained in paragraphs (2) and (3) thereof.

"(2) SALES AND EXCHANGES DURING 1992.—In the case of sales and exchanges during 1992, subsection (a) shall be applied—

"(A) by substituting '30 percent' for '20 percent' in paragraph (2) thereof, and

"(B) by substituting '20 percent' for '10 percent' in paragraph (3) thereof."

(b) CAPITAL ASSETS NOT TO INCLUDE COLLECTIBLES.—Section 1221 of such Code is amended by—

(1) by striking the period at the end of paragraph (5) and inserting "; and", and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) any collectible (within the meaning of section 408(m)(2))."

(c) MINIMUM TAX.—Section 57(a) of such Code is amended by adding at the end thereof the following new paragraph:

"(8) CAPITAL GAINS.—In the case of a taxpayer other than a corporation, the deduction under section 1202 for the taxable year."

(d) CONFORMING AMENDMENTS.—

(1) Section 1 of such Code is amended by striking subsection (h).

(2) Section 62(a) of such Code is amended by adding after paragraph (13) the following new paragraph:

"(14) LONG-TERM CAPITAL GAINS.—The deduction allowed by section 1202."

(3) Subparagraph (B) of section 170(e)(1) of such Code is amended by inserting "100 percent minus the percentage described in each of the paragraphs of section 1201(a), which ever is applicable, of" before "the amount of gain".

(4) Section 172(d)(2) of such Code (relating to modifications with respect to net operating loss deduction) is amended to read as follows:

"(2) CAPITAL GAINS AND LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.—In the case of a taxpayer other than a corporation—

"(A) the amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includible on account of gains from sales or exchanges of capital assets; and

"(B) the deduction for long-term capital gains provided by section 1202 shall not be allowed."

(5) Subparagraph (B) of section 172(d)(4) of such Code is amended by inserting "(2)(B)," after "paragraph (1)".

(6)(A) Section 220 of such Code (relating to cross reference) is amended to read as follows:

##### "SEC. 220. CROSS REFERENCES.

"(1) For deduction for long-term capital gains in the case of a taxpayer other than a corporation, see section 1202.

"(2) For deductions in respect of a decedent, see section 691."

(B) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking "reference" in the item relating to section 220 and inserting "references".

(7) Paragraph (4) of section 642(c) of such Code is amended to read as follows:

"(4) ADJUSTMENTS.—To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain from the sale or exchange of capital assets held for more than 1 year, proper adjustment shall be made for any deduction allowable to the estate or trust under section 1202 (relating to deduction for excess of capital gains over capital losses). In the case of a trust, the deduction allowed by this subsection shall be subject to section 681 (relating to unrelated business income)."

(8) Paragraph (3) of section 643(a) of such Code is amended by adding at the end thereof the following new sentence: "The deduction under section 1202 (relating to deduction for excess of capital gains over capital losses) shall not be taken into account."

(9) Paragraph (4) of section 691(c) of such Code is amended by striking "1(h), 1201, and 1211" and inserting "1201, 1202, and 1211, and for purposes of section 57(a)(8)".

(10) Clause (iii) of section 852(b)(3)(D) of such Code is amended by striking "66 percent" and inserting "the rate differential portion (within the meaning of section 904(b)(3)(E))".



(11) The second sentence of paragraph (2) of section 871(a) of such Code is amended by inserting "such gains and losses shall be determined without regard to section 1202 (relating to deduction for excess of capital gains over capital losses) and" after "except that".

(12) Section 1402(i)(1) is amended to read as follows:

"(1) IN GENERAL.—In determining the net earnings from self-employment of any options dealer or commodities dealer—

"(A) notwithstanding subsection (a)(3)(A), there shall not be excluded any gain or loss (in the normal course of the taxpayer's activity of dealing in or trading section 1256 contracts) from section 1256 contracts or property related to such contracts, and

"(B) the deduction provided by section 1202 shall not apply."

(13) Section 1445(e)(1) is amended by striking "34 percent (or, to the extent provided in regulations, 28 percent)" and inserting "34 percent (or, to the extent provided in regulations, the alternative tax rate determined under section 904(b)(3)(E)(iii))".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and exchanges after September 30, 1991.

## WATER IS CRITICAL TO THE FUTURE OF THE MIDDLE EAST

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Ms. PELOSI. Mr. Speaker, on the eve of the Mideast Peace Conference, I want to commend Secretary Baker and leaders of the region for their initiative in the name of peace.

The dialog that crosses the conference table will form either the basis for greater understanding and partnership, or for continued conflict. Matters of life and death will be confronted in discussions of complex problems involving land claims, refugee resettlements, competition for resources and the right to a homeland.

Water is critical to the future of the Middle East. Increased population and finite water supply, exacerbated by the current drought, could well be the precursor of future conflict in the region. Rivers and waters have no political boundaries. Any discussion of peace must take into account the potential conflict that could erupt from water scarcity and the competition for sparse resources.

I urge the participants in the Mideast Peace Conference to negotiate an agreement on shared water resources and to implement a plan that apportions fairly the resources that are essential for life and necessary for lasting peace in the region.

The 5-year California drought has taught our State some difficult lessons and we have, by no means, been entirely successful in confronting all of the issues, but one lesson is clear—we must work as partners and we must be prepared to compromise.

## THE EMERGENCY HEALTH CARE SYSTEM IS BEING OVERWHELMED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. RANGEL. Mr. Speaker, As chairman of the emergency room crisis caucus, I have addressed this body several times about the grave situation faced by our Nation's emergency departments. All of our society's ills are manifested in the emergency department: homelessness, drug abuse, AIDS. The emergency health care system is being overwhelmed and often is not able to adequately treat people coming through the hospital doors. But this crisis is not limited to drug addicts or AIDS sufferers. Everyone's health is threatened by the strain placed on emergency departments. In New York City, a lawyer needlessly died of a heart attack not treated in time; a student died of a stab wound not found by hospital staff.

What can we do about it? Harold Osborn, chairman of the standards committee for the New York City Emergency Medical System, has some ideas for New York. His essay follows my remarks in the RECORD. I believe his suggestions could apply to any major city in the United States.

[From the Daily News, Oct. 14, 1991]

### EMERGENCY-ROOM CRISIS CALLS FOR TEAM RESPONSE

(By Harold Osborn)

Recently, New Yorkers have been shocked by widely publicized accounts of improper treatment in our city's emergency rooms. These cases are not just isolated examples of inadequate care. They should serve as a warning that our emergency-care system is spinning dangerously out of control.

The indiscriminate and ill-advised closing of more than 40 hospitals in New York City over the last 20 years created an acute shortage of hospital beds. This shortage intensified as the twin crises of drugs and AIDS grew and has resulted in overcrowded emergency rooms all over the city.

In addition to rendering emergency care, the E.R. now routinely serves as a holding area for patients who may wait days for a hospital bed. Meanwhile, new patients may wait six to eight hours to be seen.

A chronic state of medical gridlock pervades the system and exhausts and demoralizes even the most dedicated health-care providers. City hospital E.R. are especially hard hit, because they are chronically understaffed and underfunded and serve as the primary source of health care for the poor, who have no where else to go. Low salaries and poor working conditions make it difficult for city hospitals to recruit and retain well-qualified staff. The city has just instituted an additional 15% budget cut across the board for all municipal hospitals, which will certainly worsen an already desperate situation.

At the same time, the New York City ambulance service is also in serious trouble. Long criticized for excessively long response times, the 91 Emergency Medical System has been without a full-time medical director for over a year. A program designed to reduce response times using firefighters as first responders for medical emergencies is barely off the ground after two years and is threat-

ened by budget cuts. The preliminary results of a recent city-wide study of the ambulance service suggest that fewer than 1% of patients with a cardiac arrest who are transported by EMS survive to leave the hospital.

These results compare unfavorably to many other large urban centers in the U.S. Better ambulance response times and earlier application of an electrical shock (defibrillation) to the heart can potentially save the lives of thousands of New Yorkers each year. Better organization and greater cooperation among the city's uniformed services, not more spending, is the logical first step toward realizing this goal. Unfortunately, the reform of our emergency-care system doesn't seem to be a high priority; attempts to improve it have floundered due to competing political agendas, and city officials have been unable to agree on a common approach.

A thorough overhaul of the system is long overdue; further delay could be disastrous. As the cold weather approaches, the need for emergency care will intensify and overcrowding will increase. The recent institution of a cap on clinic visits by Medicaid patients may drive more patients seeking care to the E.R., where, by law, they cannot be refused.

And as more people lose their jobs (and their health coverage), there will be additional pressure on our E.R.s. The emergency-care providers working in the system, who are generally enthusiastic and caring people, are already stretched to the breaking point. "Mistakes" similar to those witnessed in recent weeks are bound to happen and are the inevitable result of a system being asked to do the impossible.

Rescuing the emergency-care system in New York City will take a concentrated effort. Some immediate steps would be beneficial: The city should appoint a medical director for EMS and establish a citywide first-response defibrillator program using firefighters and EMS personnel. Additional funding should be provided to city hospitals to hire a full complement of competent E.R. staff. Drug treatment facilities should be made available to all those seeking help. Walk-in clinics should be established in each hospital to take pressure off the E.R.'s. New York City medical schools should be encouraged to establish academic departments of emergency medicine, so that the field can be treated equally with other medical disciplines.

Finally, the Mayor should appoint a commission composed of those working in the field to recommend further changes designed to improve our emergency-care system. All New Yorkers, rich and poor alike, have the right to expect something better. The time to act is now.

## HONORING WILLIAMSBRIDGE NAACP

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. ENGEL. Mr. Speaker, I would like to take this opportunity to pay tribute to the Williamsbridge National Association for the Advancement of Colored People, and particularly its day care center which is celebrating 20 years of service to the community.

For two decades, working parents who must find a trustworthy place to leave their children

while they earn a paycheck have turned to the Williamsbridge NAACP, and the organization has always been there to assist. In a time when most households need both parents to hold steady jobs in order to make ends meet, it is places like the Williamsbridge Day Care Center that help make ends meet.

The day care center is just one of the services that have been provided to my constituents by the Williamsbridge NAACP. On this special occasion, I would like to congratulate the members for their contributions to the community and wish the day care center at least another two decades of success.

#### THE REBUILDING OF ARC-SBC'S ALPHA TRAINING CENTER

#### HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to one of our Nation's most dedicated organizations, the Association for Retarded Citizens—Santa Barbara Council.

A group of caring parents and volunteers established in 1954, for the purpose of supporting those who are mentally retarded, the Alpha Training Center. That facility was destroyed by the disastrous June 27, 1990, Painted Cave Fire.

Through the generous hard work of the board, parents, volunteers, and staff—and the charitable support of the community—I am pleased to announce that ground breaking ceremonies will commence today for a new Alpha Training Center facility. I would also like to note the involvement and assistance of the Federal Emergency Management Agency and the Santa Barbara County Office of Emergency Services.

Long months of effort will come to fruition today—a testament to the caliber of people who reside in the 19th Congressional District.

#### A TRIBUTE TO FAIRMONT PRIVATE SCHOOLS

#### HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. DANNEMEYER. Mr. Speaker, on September 25 Fairmont Private Schools based in Anaheim, CA, was awarded the U.S. Department of Education's highest honor when President Bush presented Fairmont with the Blue Ribbon of Excellence Award.

The award was established to call attention to schools that are most effective in meeting the needs of tomorrow's work force. Fairmont was graded on their visionary leadership, a productive teaching environment, impressive academic achievement, strong parental involvement, and positive attitude.

Founded in 1953, Fairmont Private Schools is Orange County's oldest and largest non-sectarian private school. Fairmont educates more than 900 children from preschool through eighth grade on three campuses.

Mr. Speaker, Fairmont Private Schools is taking a lead in providing a good education. I am glad they were so honored.

#### LEGISLATION TO RESTORE ELEC- TION TO REDUCE BASIS IN LIEU OF CURRENT TAXATION ON IN- COME FROM DISCHARGE OF REAL PROPERTY BUSINESS IN- DEBTEDNESS

#### HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. SHAW. Mr. Speaker, real estate today is in disarray. Commercial property markets across the country are marked by unchecked declines in real property values. Financing and liquidity are virtually nonexistent for real estate activities. In short, a credit crisis and a crisis in value have taken hold of the real estate sector of our economy.

As a consequence, owners of rental real estate are struggling because their properties cannot support the debt tied to the properties. These people are faced with foreclosure, deeding the property back to the lender in lieu of foreclosure, or, if they are more fortunate, seeking to restructure the debt on the property to reflect more accurately the property's ability to service the debt. Yet each choice typically results in discharge of indebtedness income under IRC section 108, presenting dire consequences for the owner. I say dire because the so-called income is not accompanied by any cash to pay the associated tax. Thus, the taxpayer frequently must resort to selling other property the taxpayer normally would not sell to generate the needed funds.

As unpleasant as this is for real estate owners, these forced sales further exacerbate the plunge in real estate values, increase the pressure of financial institutions by making loan workouts more difficult, and provide momentum to steadily eroding State and local tax bases. In short, the troubles in the real estate markets are proving to be a significant drag on the national economy and its ability to rebound from the recession.

Now is the time to examine closely the tax code and make those changes necessary to restore some sense of stability to real estate markets. Therefore—in addition to legislation I am introducing today regarding capital gains, passive losses, and the at-risk rules—I am introducing legislation to provide relief from the tax burden associated with the discharge of indebtedness income.

Under my bill a solvent taxpayer would be permitted to elect to exclude discharge of indebtedness income if the taxpayer reduces the basis of other real estate the taxpayer owns by the amount of the discharged real estate debt. This would enable real estate owners, now often desperately cash short, credit starved, and seriously weakened, to defer tax liability until the other real property is sold, resulting in funds needed to satisfy the deferred tax. The sale of property in this manner will be under market conditions that maximize values, not minimize them as is now so often the case.

It is important to note that I am not proposing tax forgiveness, but tax deferral until cash is generated to pay the tax. The concept embodied in my legislation existed in our tax laws for many years prior to the Tax Reform Act of 1986.

The principle that the discharge, or forgiveness, of a debt generates taxable income is well established in our Federal income tax laws. For example, suppose that A lends B \$1,000 and B promises to repay the \$1,000 with interest in 2 years. If A forgives the loan before B repaid it, and assuming that the forgiveness is not a gift, then B has taxable income.

Equally well established in our tax laws is the notion that under certain circumstances the taxpayer will not be required to pay tax currently on such income, but will instead be allowed to defer taxation. Section 108 of the tax code provides these circumstances. For example, there is no current tax liability from a debt discharge if the taxpayer is in bankruptcy or is insolvent. This makes sense because under such circumstances the taxpayer does not have the funds to pay the tax. Prior to the Tax Reform Act of 1986, a solvent business taxpayer could defer income from a debt discharge by electing instead to reduce the basis of other depreciable assets owned. This served the policy of preventing businesses from liquidating prematurely to pay the tax owed on a discharged debt.

The 1986 tax act, however, repealed this basis-reduction concept for all solvent taxpayers except those realizing income from the discharge of farm-related debt. The rule was not repealed in the farming sector because of the credit crisis then occurring in that segment of the economy.

A true and more pervasive crisis—a crisis in credit as well as values—now exists in the real estate industry. It is time that we reinstate the election to reduce the basis of depreciable property in lieu of immediate tax liability in cases involving the discharge of qualified real estate business indebtedness. Just as the immediate taxation of income associated with the discharge of farming debt would have created significant problems in the farming sector, the immediate taxation of income from the discharge of real estate debt is now spelling trouble for real estate.

The solution I propose is simple. If a taxpayer has income related to the discharge of a debt incurred or assumed with respect to real property used in a trade or business, then the taxpayer may defer taxation by electing to reduce the basis of other depreciable property owned by the taxpayer. The deferred amount may not exceed the total adjusted bases of all the depreciable property held by the taxpayer. The same rule would be available for corporate taxpayers.

For example, the taxpayer owns an office building and an apartment building. The office building has a tax basis of \$30,000 and the apartment building has a mortgage of \$100,000. The apartment building, through no fault of the taxpayer, has declined in value and the rental income from the property now services a debt of only \$75,000. The lender, rather than foreclosing and seeking a deficiency from the taxpayer, reduces the mortgage to \$75,000. Instead of forcing the tax-



payer to find the resources to satisfy a tax on \$25,000—usually through the distressed sale of other property—my legislation would allow the taxpayer to defer the tax liability by reducing the office building's basis to \$5,000. If the total basis available for reduction had been only \$20,000, then the taxpayer would reduce the office building's basis to 0 and owe tax on \$5,000. Even so, this result is far preferable to that under current law, which frequently forces sales at distressed prices.

I urge my colleagues in the House and on the Ways and Means Committee to join me in support of this legislation. Unless the current rules are changed, owners of commercial real estate will continue to face large amounts of discharge of indebtedness income and, as a result, will be forced to liquidate other holdings at values disruptive to the Nation's financial system, tax base, and economy.

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. RESTORATION OF EXCLUSION FROM GROSS INCOME FOR INCOME FROM DISCHARGE OF QUALIFIED REAL PROPERTY BUSINESS INDEBTEDNESS.**

(a) IN GENERAL.—Paragraph (1) of section 108(a) of the Internal Revenue Code of 1986 (relating to income from discharge of indebtedness) is amended by striking "or" at the end of subparagraph (b), by striking the period at the end of subparagraph (c) and inserting "or", and by adding at the end thereof the following new subparagraph:

"(D) the indebtedness discharged is qualified real property business indebtedness."

(b) QUALIFIED REAL PROPERTY BUSINESS INDEBTEDNESS.—Section 108 of such Code is amended by inserting after subsection (b) the following new subsection:

"(c) TREATMENT OF DISCHARGE OF QUALIFIED REAL PROPERTY BUSINESS INDEBTEDNESS.—

"(1) BASIS REDUCTION.—

"(A) IN GENERAL.—The amount excluded from gross income under subparagraph (D) of subsection (a)(1) shall be applied to reduce the basis of the depreciable property of the taxpayer.

"(B) CROSS REFERENCE.—For provisions making the reduction described in subparagraph (A), see section 1017.

"(2) LIMITATION.—The amount excluded under subparagraph (D) of subsection (a)(1) shall not exceed the aggregate adjusted bases of depreciable property held by the taxpayer as of the beginning of the taxable year following the taxable year in which the discharge occurs (determined after any reduction under subsections (b) and (g)).

"(3) QUALIFIED REAL PROPERTY BUSINESS INDEBTEDNESS.—Indebtedness of the taxpayer shall be treated as qualified real property business indebtedness if (and only if)—

"(A) the indebtedness was incurred or assumed—

"(i) by a corporation in connection with real property, or

"(ii) by an individual in connection with real property used in his trade or business, and

"(B) such taxpayer makes an election under this paragraph with respect to such indebtedness.

Such term shall not include qualified farm indebtedness."

(c) TECHNICAL AMENDMENTS.—

(1) Subparagraph (A) of section 108(a)(2) of such Code is amended by striking "and (C)" and inserting ", (C), and (D)".

(2) Subparagraph (B) of section 108(a)(2) of such Code is amended to read as follows:

"(B) INSOLVENCY EXCLUSION TAKES PRECEDENCE OVER QUALIFIED FARM EXCLUSION AND QUALIFIED REAL PROPERTY BUSINESS EXCLUSION.—Subparagraphs (C) and (D) of paragraph (1) shall not apply to a discharge to the extent the taxpayer is insolvent."

(3) Subsection (d) of section 108 of such Code is amended by striking "Subsections (a), (b), and (g)" each place it appears in the heading thereof and in the text and headings paragraphs (6) and (7) and inserting "Subsections (a), (b), (c), and (g)".

(4) Subparagraph (B) of section 108(d)(7) of such Code is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply to any discharge to the extent that subsection (a)(1)(D) applies to such discharge."

(5) Subparagraph (A) of section 108(d)(9) of such Code is amended by inserting "or under paragraph (3) of subsection (c)" after "subsection (b)".

(6) Paragraph (2) of section 1017(a) of such Code is amended by striking "or (b)(5)" and inserting ", (b)(5), or (c)(1)".

(7) Subparagraph (A) of section 1017(b)(3) of such Code is amended by inserting "or (c)(1)" after "subsection (b)(5)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges after December 31, 1991, in taxable years ending after such date.

**TRIBUTE TO RALPH D. KNIGHT**

**HON. NANCY PELOSI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Ms. PELOSI. Mr. Speaker, I rise today to recognize a man who personifies the meaning of the word "commitment," Ralph D. Knight, president and CEO of the Northern California Presbyterian Homes, Inc., in San Francisco, CA. This year, Mr. Knight will retire after serving as chairman of the board of the American Association of Homes for the Aging, the national organization of not-for-profit homes and services for the Nation's elderly.

Mr. Knight has devoted his lifelong career to providing housing and services for older Americans. His experience began at the Valley Christian Centers Settlement House Program in Arizona, where he directed group work and community organization programs in two low-income and socially disadvantaged communities in the Phoenix area. He later moved to California where he began his long tenure working to provide quality housing and support services for the elderly.

As chairman for the California Association of Homes for the Aging Fire and Life Safety Committee, Mr. Knight was successful in advocating for a State law to modify the fire and life safety requirements to ensure that persons living in residential care facilities in California were protected. He was also successful in ensuring the passage of legislation to allocate \$3 million in direct low-interest loans to facilities faced with higher costs in meeting the State's new fire and life safety standards.

As part of the long-term care system, not-for-profit nursing homes and senior housing facilities have a long history of dealing with complex ethical dilemmas regarding the care

of the sick and elderly. Every day they face questions ranging from life-and-death decisions, such as whether to stop treatment, to more practical concerns, such as transferring an elderly resident from one part of a facility to another. In 1987, the American Association of Homes for the Aging developed its Commission on Ethics in Long-Term Care, and Mr. Knight served as chairman from 1987 to 1990. He spearheaded the commission's work including the promotion of ethics committees in long-term care facilities and senior housing.

Throughout his career, Mr. Knight has been the recipient of numerous citations and awards for his dedication in the field of housing and services for the elderly. In 1977, the California Association of Homes for the Aging recognized him with the association's Award of Honor, its highest award, for his work in the field of aging, and, in 1988, recognized him again with the association's President's Citation for continued outstanding service to the elderly in California.

I salute Ralph Knight on the outstanding contributions he has made to the elderly. His efforts have made a profound difference in the lives of the many he has come in contact. His good work continues to benefit the elderly of California and the Nation.

**BLACKS AND JEWS: A SHARED HISTORY OF SURVIVAL**

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 23, 1991*

Mr. RANGEL. Mr. Speaker, I rise to call to the attention of my colleagues an article which appeared recently in the New York Amsterdam News. It concerns a reunion of Jewish survivors of Hitler's concentration camps at Buchenwald and Dachau with their liberators, American soldiers who were members of the 761st all-black tank battalion.

I was honored to be among the guests at this most moving of ceremonies in New York City, in which the two groups—Jewish survivors and black liberators—were reunited for the first time since the war.

The event had great significance to all present, particularly in this time during which so much is said of a growing estrangement between black and Jewish Americans. The reunion was a stark reminder of the mutual support that has bound blacks and Jews together for decades. Indeed, our shared history of suffering, struggle, and triumph has joined us in a permanent alliance of survivors.

DOCUMENTARY TO FOCUS ON LIBERATION OF JEWS BY BLACK WW II SOLDIERS

(By Norma Harris)

WNET-Channel 13 is putting a new twist on the Jewish Holocaust with a 90-minute documentary which focuses on the contribution of Black soldiers to the liberation of Jews from Hitler's concentration camps at the end of World War II.

The documentary called "Liberators: Fighting on Two Fronts in World War Two," will be screened next year. It unravels the yet untold story of African-American battalions which helped to free thousands of Jews from German concentrations camps at Buchenwald and Dachau.

Previewing footage of the documentary, which is in the final stages of production, Congressman Charles Rangel said: "This dramatic and at times emotional documentary is a constant reminder of Jews and to gentiles that none of us stands alone. We need a program of mutual respect. What with the problems in Israel and the economic depression facing the African-Americans communities today, many people have forgotten that African-Americans and Jews marched together in the past against racism. We cannot afford to forget."

Rangel added that the new television documentary is "just as important as what is happening today in Haiti and the Middle East. This is a story that must be told."

The documentary, co-produced by Bill Miles and Nina Rosenblum, is a testament to the role played by African-American soldiers in the defeat of the Nazis. It documents for the first time the heroism of men like Johnnie Stevens, William Scott, Abraham Chapnik and Dr. Leon Bass, all members of the 761st all-Black tank battalion which liberated concentration camps at Buchenwald and Dachau.

At a reunion luncheon at Channel 13's studio in Manhattan, which brought together holocaust survivors now resident in the U.S. and their African-American liberators, former soldier Johnnie Stevens said: "This documentary is a piece of history that our kids won't learn from history books."

Recalling life in the segregated American Army he noted, "Nobody knew we existed. Nobody knew there were Black tankers on the Western front. The media never spoke to us. They ignored us. As far as the world was concerned, we did not exist. This documentary tells our story in our own words. It proves we were there."

Survivor Benjamin Bender, who is featured in the documentary returning to the Buchenwald camp with two of the African-American servicemen who freed him recalls the humanity of the men who liberated him. "They had tears in their eyes as they tended to us. I could not understand why they were crying. At Buchenwald we never cried. We mourned like wounded animals."

Throughout World War II, army planners held a dim view of African-American troops and their fighting ability, but all-Black battalions like the 761st and the 183rd played a major role in capturing key European towns.

The battalions received hundreds of purple hearts but were omitted from media reports, histories and films like "Patton."

According to producer Bill Miles, "Liberators is a story that has to be told now. The guys who made it all happen are virtually passing away. This part of African-Americans history has to be told."

#### HONORING YOUNG ISRAEL OF CO-OP CITY

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. ENGEL. Mr. Speaker, it is my distinct pleasure to recognize the 25th anniversary of Young Israel of Co-op City, which is located in my congressional district.

Over the years, the members of Young Israel of Co-op City have dedicated themselves to working for the synagogue and for the good of the community. By sponsoring activities

within Co-op City, as well as leading trips throughout the world, the members engage in a continuous effort to promote Jewish life. The first 25 years have been a resounding success, and I feel confident that the next 25 will be even better.

On this special occasion, I congratulate the members of Young Israel of Co-op City for all their achievements and wish them happiness and success in the days and years ahead.

#### TAIWAN STOPS THE USE OF DRIFT NETS

**HON. ROBERT J. LAGOMARSINO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. LAGOMARSINO. Mr. Speaker, in 1989, I introduced legislation supporting the establishment of a drift-net-free zone in the South Pacific. Drift nets indiscriminately trap and kill marine mammals in plastic nets which are up to 30 miles in length. Drift nets are very effective killers of their target fish, tuna, but the nets also catch all types of other marine life which have no commercial value. Congress enacted legislation in the last Congress which incorporated language of my bill.

Subsequently to congressional action, the United Nations passed a resolution calling upon the world community to stop the use of drift nets. A number of countries which have supported their drift net tuna fishing industries have changed their policies.

The Government of Taiwan formally announced on August 21, 1991, that it will comply with United Nations Resolution No. 44-225, and end the use of drift nets on the high seas by June 30, 1992. Along with the announcement, the Government introduced the following programs to ensure the fishing industry a smooth transition to other fishing methods:

First, a generous buy-back offer for aged drift net vessels, at approximately \$445 per ton and up to approximately \$185,000 per ship;

Second, a low-interest loan program to cover the cost of converting to other fishing methods;

Third, the establishment of special funds to promote catches acquired with new fishing methods.

I want to commend the Government to the Republic of China on Taiwan for their efforts to actively eliminate the use of drift nets by their domestic fishing fleet. This latest policy announcement testifies to their determination and sincerity to play a responsible role in the efforts to preserve our marine environment. I urge other countries to take note of and implement like policies to insure drift-net-free oceans which are safe for all marine mammals.

#### NATIONAL SCIENCE SCHOLARS

**HON. WILLIAM E. DANNEMEYER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. DANNEMEYER. Mr. Speaker, two young men from the 39th District, both from my hometown of Fullerton, have been selected as National Science Scholars for the 1991-92 academic year. The young men are Jae Kang and Steven A. Miller.

The purpose of the National Science Scholars Program is to recognize excellence and achievement in the physical, life, and computer sciences, math, and engineering. The monetary awards given these young men are to encourage their continuing studies at the postsecondary level of education.

Mr. Speaker, it is a privilege to recognize their achievement. We wish Jae Kang and Steven A. Miller continued success.

#### LEGISLATION TO AMEND THE AT RISK RULES

**HON. E. CLAY SHAW, JR.**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. SHAW. Mr. Speaker, today, I am introducing legislation to expand the kinds of real property mortgages that qualify as amounts at risk. My bill would include as amounts at risk nonrecourse financing provided by a lender who is selling property acquired through foreclosure or by an instrument in lieu of foreclosure.

By removing this unnecessary restriction on the financing of certain real property sales, this legislation would preserve the antitax shelter integrity of the at risk rules while facilitating sales of real estate now held by our Nation's financial institutions. This legislation is sorely needed given the lack of available financing options for real property purchases and the troubles lenders now experience because of their inability to sell property that they have come to own through foreclosure or the like.

In 1986, Congress concluded that it was appropriate to apply the at risk rules to real estate activities. The stated reason was to limit the opportunity for overvaluation of property—resulting in inflated deductions—and to prevent the transfer of tax benefits arising from real estate activities to taxpayers with little or no real equity in the property.

The at risk rules limit the amount of losses eligible to be deducted by an owner of real estate to the amount the owner could actually lose in the activity, that is, the amount the owner has at risk in the enterprise. These rules define the amount that an owner is considered to be at risk to be the sum of his cash contributions to the activity, the adjusted basis of other property contributed by the owner to the activity, and certain mortgage loans used to buy or construct the property.

Currently, the rules limit the kinds of mortgage loans that qualify as amounts at risk. The purpose of my legislation is to expand the kinds of mortgage loans that qualify—without



violating the spirit and goals of the 1986 Tax Act.

Under present law, all so-called recourse loans, in which the borrower is personally liable for repayment of the loan, qualify under the at risk rules whether or not they are provided by the seller or a third party. On the other hand, nonrecourse loans, in which the property alone serves as security for repayment, qualify only if the loan is provided by an unrelated third party organization in the business of lending or by a related party if the terms of the loan are commercially reasonable and on substantially the same terms as loans involving unrelated persons.

Nonrecourse financing provided by the seller of real property, however, may not be treated as an amount at risk under the current rules—even in situations in which the seller is in fact an organization engaged in the business of lending.

The restrictions on nonrecourse lending provided by the seller of the property is justified by the argument that there may be little or no incentive to limit the amount of such financing to the value of the property. This, in turn, could result in the buyer's receipt of inflated deductions and the seller's conversion of ordinary income into capital gain.

In the case of nonrecourse financing provided by a third lending institution, however, Congress has determined that this kind of financing is much more likely to be in line with the property's value. Furthermore, such lenders are more likely to predetermine that the financing will be repaid and that the purchaser has or will have real equity in the activity. Therefore, under the current rules, financing provided by an organization in the business of lending may appropriately be treated as an amount at risk regardless of whether the financing is recourse or nonrecourse. But, if the lender is also the seller, then the financing must be recourse to qualify as an amount at risk.

The legislation I am introducing today will clarify that the policy underlying the at risk rules is not undermined if the lender is now also a seller merely because the lender happens to have acquired the property through foreclosure or by an instrument in lieu of foreclosure. Such a seller is in fact in the business of lending money and is more in the nature of an involuntary caretaker of property than an owner/seller.

My legislation does not alter the purpose behind the 1986 extension of the at-risk rules to real estate, but clarifies that financing provided by organizations in the business of lending will qualify as an amount at risk regardless of whether the financing is recourse or nonrecourse.

I urge my colleagues in the House and on the Ways and Means Committee to join me in support of this legislation and to take prompt action on this matter. The current rules are unnecessarily restrictive. They slow down the sale of property from lenders' portfolios while potential buyers search—often in vain—for available financing from other sources.

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. EXCEPTION FROM CERTAIN AT-RISK RULES FOR PROPERTY ACQUIRED BY FORECLOSURE.

(a) IN GENERAL.—Subparagraph (D) of section 465(b)(6) of the Internal Revenue Code of 1986 (relating to qualified nonrecourse financing treated as amount at risk) is amended by adding at the end thereof the following new clause:

“(iii) CERTAIN FINANCING FROM SELLERS OF PROPERTY.—For purposes of this paragraph, financing secured by property shall not fail to be treated as qualified nonrecourse financing by reason of subclause (II) of section 49(a)(1)(D)(iv) if the person referred to in such subclause acquired such property by foreclosure or by instrument in lieu of foreclosure.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to financing provided after December 31, 1991, in taxable years ending after such date.

#### A TRIBUTE TO THE WINSTON TENANTS ASSOCIATION

##### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. ACKERMAN. Mr. Speaker, I rise today to honor the members of the Winston Tenant's Association of Briarwood, NY. They are an inspiring example of individual citizens cooperating to protest unfair treatment by their housing management.

The Winston Tenant's Association was formed in April 1981, as a result of the owner's failure to correct over 100 building violations. Despite retaliation by the staff of the Winston Apartments, the residents insisted that their leases be enforced, thanks to the dynamic efforts to Phil Karasyk, an attorney, and Albert Willingham, who is currently the president of the association. The tenants worked closely with the offices of City Council Member Morton Povman, Assemblywoman Nettie Mayersohn, State Senator Jeremy Weinstein, and myself to settle the disputes, but the matter was eventually decided in court. Judge Maurice Harbater ruled that the landlord had to correct numerous infractions of the building code, including breakdowns in heating during the winter. Justice was served.

Since then the Winston Tenant's Association has worked diligently to ensure the safety and comfort of its members, and having gained many friends, I am sure that they will continue to address the issues with their collective power and wisdom. I ask my fellow members to rise and salute the Winston Tenants Association on its 10th anniversary.

#### IN MEMORY OF ENS. JOHN LONERGAN

##### HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to the memory of Ens. John Joseph Lonergan of Philadelphia, who tragically lost his life in an automobile accident on October 12 at the age of 23.

As a boy, Mr. Lonergan used to sit with his father on the bleachers at JFK Stadium in Philadelphia, and watch the annual Army-Navy football game. From that time on, John Lonergan knew that he wanted to attend Annapolis, and worked with persistence and diligence throughout his school years to achieve that goal. I helped young John attend the Academy. Whether he was serving as a class officer, or playing the tenor saxophone in the Northeast Catholic High School jazz band, John Lonergan constantly delighted his friends and teachers with his numerous talents.

In 1987, John Lonergan fulfilled the goal he had set for himself long ago, as he entered the freshman class of the U.S. Naval Academy in Annapolis. Following his graduation this year, Ensign Lonergan was assigned to the Navy's Surface Warfare Officers' School Command in Newport, RI.

John Joseph Lonergan's friends and family recall that he lived by a code of persistence. As a student, an officer, or a friend, John Lonergan will always be remembered for his determination, and his kindness toward others. I know I join my colleagues in extending my deepest sympathies to Ensign Lonergan's parents, Joe and Sally, as well as to the rest of his family and friends.

#### IN RECOGNITION OF THE ECONOMIC OPPORTUNITY COUNCIL OF SAN FRANCISCO

##### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Ms. PELOSI. Mr. Speaker, I rise today to recognize and commend the Economic Opportunity Council of San Francisco [EOC], an organization that has waged a tireless attack on poverty since its inception, under the Economic Opportunity Act of 1964. Its mandate was "to formulate a program to mobilize and utilize public and private resources in a concerted and effective attack on poverty by developing employment opportunity, improving human performance, motivation and productivity, and by bettering the conditions under which people live, learn and work." Then Mayor John Shelley, along with Dr. Arthur Coleman, first chairman of the board of directors, and Everett Brandon, the first executive director, had the charge of making the Economic Opportunity Council a reality.

For 27 years, the EOC has continued to meet their long-term goal of promoting self-sufficiency among the city's poor, helping them in becoming less dependent upon government assistance, while aiding them in becoming more dependent upon their most valuable resource—theirself. The EOC has also committed itself to providing a variety of support services for low-income groups and individuals, including employment, health, housing, education, nutritional food supplements, and child and parent development. In this manner, the EOC helps to alleviate the many adversities associated with poverty.

Today the board of directors, Executive Director Enola Maxwell, clients and staff of the Potrero Hill Neighborhood House, honor the

Economic Opportunity Council of San Francisco, and the many individuals who have worked for it. Many of these dedicated activists went on to public service, truly making a reality of the purpose of this legislation, a vital part of the war on poverty. Mr. Speaker, I join with the San Francisco community in honoring the continuing good works of the Economic Opportunity Council.

#### HONORING NAT DAVIS

#### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. ENGEL. Mr. Speaker, this week in my district, the friends and family of the late Nat Davis will gather at Boston Post Road to dedicate a street in honor of a beloved member of the community.

It is appropriate that the block between Waring and Mace Avenues be named in honor of Nat Davis. The senior citizen center at 2424 Boston Post Road was the focus of many of his activities in his later years. Working with his dedicated wife Thal, he promoted the growth of the senior center and helped its neighbors in countless ways.

All of his neighbors, whether young or elderly, were recipients of Nat Davis' generosity. Nat was widely known for his free physical education instructions and his willingness to drive senior citizens to shopping or doctor appointments. He was a Scoutmaster of troop 133 of the Boy Scouts of America, where he taught city youth about the wonders of the outdoors. He was a member of the board of directors at Pelham Parkway Jewish Center and regularly contributed to the United Jewish Appeal, Israel Bonds, and other organizations.

When we lost Nat Davis, we lost a man who epitomized concern for his neighbors and love of his family. The naming of a street in his honor will serve to remind us of his legacy and motivate us to carry on his community spirit.

#### ST. FRANCIS MEDICAL CENTER

#### HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to one of the most respected medical centers in the 19th District, the newly renamed St. Francis Medical Center.

This institution was founded 83 years ago to provide high quality, personal family oriented health care as the St. Francis Hospital. In light of the remarkable advancement St. Francis has made in the medical field, it is appropriate at this time to dedicate the new name to reflect what the facility now is—a complete medical care institution.

Recent improvements in St. Francis are very impressive and include an expansion of the emergency department and preliminary work on an ambulatory care center, the addition of the cardiac catheterization laboratory and

a new MRI scanner as well as a new high tech surgery wing. St. Francis also boasts of having an innovative family birth center—offering labor, delivery, recovery and post-partum care.

In closing, I would like to applaud all those involved over the years who have helped make St. Francis a shining achievement in the medical establishment of this great Nation.

#### ETHNIC POLITICS RETURN TO BULGARIA

#### HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. MOODY. Mr. Speaker, in June, President Bush signed a Jackson-Vanik waiver to indefinitely extend most-favored-nation status to products from Bulgaria. At precisely that time, the Bulgarian Turkish minority was struggling to participate in the political life of that country. Efforts were underway to declare illegal the Bulgarian-Turkish political party, the Movement for Rights and Freedoms [MRF] led by Ahmed Dogan. For that reason, I felt that President Bush's Jackson-Vanik waiver represented a vote of confidence for Bulgaria at just the wrong time.

Slavic-Bulgarian parties joined together after the June elections to prevent the MRF from participating in the October 13 elections. Despite all their efforts—including two cases that went to the Supreme Court—they were not successful. The MRF won 23 seats in the National Assembly and would probably have won more were there not so much uncertainty surrounding its participation.

I applaud the determination and tenacity of the Bulgarian-Turkish minority. Their advances in the October elections are particularly amazing considering the history of their treatment in Bulgaria.

In 1984, President Todor Zhivkov began a campaign of assimilation against Bulgarian Turks. They were forced to take Slavic names, banned from attending Turkish language schools, and banned from speaking Turkish—even though 70 percent of Turks knew no other language. Turkish names were removed from tombstones and mosques were closed except on the most sacred holidays. In 1985, the Bulgarian Government declared that the restoration of Bulgarian names had been safely completed and declared that no ethnic Turks remained in Bulgaria.

In 1989, 4 years later, this brutal campaign sparked a massive flight from the country. Some 300,000 Bulgarian Turks left their homes and livelihoods behind and fled to Turkey, constituting the largest flow of refugees in Europe since World War II.

I am repeating this story today because few people outside Bulgaria and Turkey remember this recent history. Few Americans knew about these events at the time they occurred. Is it relevant today under a new government? I believe that Bulgaria has taken important strides forward. The people of Bulgaria ejected the Zhivkov regime—but allowed the Communists to remain in power under a new name. They rewrote the constitution to allow greater rep-

resentation—but stopped short of including strong protections for the rights of Bulgarian Turks and other ethnic minorities.

Today, as Congress takes the step to extend most-favored-nation status to products from Bulgaria, we are obligated to take another step as well. We must continue to monitor the situation in Bulgaria and press for greater protections for the rights of minorities. The Movement for Rights and Freedoms, for example, should be able to participate in elections without being challenged and representatives of the Turkish community should be appointed to the Central Elections Commission.

Other Eastern European countries have demonstrated that greater political openness does not necessarily bring greater tolerance and respect for diversity. Bulgaria has a sad and recent history of intolerance for the rights of the Bulgarian-Turkish minority. Those attitudes will not change overnight.

Reprinted below is an article that appeared last week in the Washington Post. The article describes how the Bulgarian Communists, now called the Socialist Party, are whipping up historic Slavic-Bulgarian fears of Turks to shore up their own sagging fortunes.

It is sadly ironic that, if Ahmed Dogan and Bulgarian-Turks had not participated in the elections, they would have no voice in the affairs of their country. But because they did participate and because they received the strong support of sectors of the country, they will spark a revival of ethnic recriminations and fears.

This is no time to close the book on Bulgaria. It is a time for continued diligence. I urge my colleagues and the Bush administration to join me in expressing our continued interest and concern.

[From the Washington Post, Oct. 27, 1991]

ETHNIC POLITICS RETURN TO BULGARIA—COMMUNISTS, BEATEN IN ELECTION, REVIVE FEAR OF TURKISH POWER

(By Mary Battiata)

KURDJALI, BULGARIA.—It was the usual afternoon call to prayer, but for men sipping dark coffee near the mosque's tin minaret, the pre-taped wail of the muezzin sounded especially sweet. Kurdjali, main city for Bulgaria's repressed ethnic Turkish minority, had elected its first Turkish mayor since 1913.

The win was part of a larger electoral sweep that left the jubilant Turks the third-strongest political force in Bulgaria's new parliament, and essential governing partner for the victorious Union of Democratic Forces. "This Turkish mayor is the first beam of hope for us," said Turkish legislator Husein Karamolle.

But the Turks' strong showing also has revived older forms of ethnic politics here. Bulgaria's Communists—now reorganized as the Socialist party—are attempting to exploit Bulgarian fears about the Turks to shore up their own sagging fortunes.

It has become a familiar spectacle throughout post-Communist Eastern Europe. In Romania, Yugoslavia, Slovakia and now Bulgaria, Communists who once condemned nationalism as the disease of petty capitalists now portray themselves as defenders of a threatened majority.

The approach is potentially powerful here, where democracy is empowering the ethnic Turks—who make up roughly 10 percent of the population—just as market reforms rat-



the confidence and tolerance of the dominant Slavs.

Added to economic tension is the weight of memory. Bulgaria's five centuries of occupation and domination by the Turkish Ottoman Empire ended only in 1878. Many Bulgarians fear that the ethnic Turks' present demands for cultural and religious autonomy will lead inevitably to political separatism.

The Socialists went into this month's parliamentary election allied with two extreme nationalist parties. They nonetheless suffered a narrow defeat by the Union of Democratic Forces and lost their parliamentary majority.

Even before the final votes had been tallied, the Socialists were trying to paint the Turks' new clout as a threat to ordinary Bulgarians. Their rhetoric has raised fears of an anti-Turkish backlash.

"Nationalism is the only card the Socialists have to play," said Turkish party spokesman Yunal Lyutfi. "Regrettably, that feeling is flourishing in this part of the world. It has no future, but in the short term it is very dangerous."

Socialist leader Andrei Lukanov told a post-election press conference that the results left Bulgaria "a political hostage" of the Turkish party, the Movement for Rights and Freedoms. Yet in 1990, as prime minister of Bulgaria's first freely elected government, Lukanov led a move to restore the rights that Communist dictator Todor Zhivkov had denied the Turkish minority.

In the Kurdjali region, where ethnic Turks are in the majority, the rhetoric was less oblique. "They threatened there would be bloodshed if we have a Turkish mayor," said legislator Ramse Osman.

Kurdjali's old Communist newspaper, *New Life*, has campaigned for a ban on the public playing of Turkish music and the Islamic calls to prayer, on grounds that it is offensive to the Bulgarian population.

To the Turks, that sounds too much like the attempts by Zhivkov's hard-line Communist regime throughout the 1980s to force their assimilation by closing their mosques, making them "Bulgarize" their names and collecting stiff fines from anyone caught speaking Turkish on the street. That culminated in an exodus of 300,000 ethnic Turks to Turkey in 1989.

The Socialists insist it is the Turks who are undemocratic. Socialist leader Lukanov and others said the Turkish party took 95 percent of the vote in Turkish areas because of its "iron discipline."

Turkish leaders scoff at that complaint. "If we were an undemocratic, nationalist party, there would have been bloodshed already," said Lyutfi. "Because in the Balkans, competition between two parties that represent ethnic ideas always results in bloodshed."

#### TRIBUTE TO OLGA TORRES

#### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. ORTIZ. Mr. Speaker, I rise today to commend Olga Torres, a talented and outstanding young woman from Brownsville, TX. Olga recently won the prestigious JROTC 75th Anniversary National Essay Contest. Olga is the daughter of Agustin and Herlinda Torres. She recently graduated from Homer Hanna

High School in the top 10 percent of her class and has enlisted in the U.S. Air Force. Olga is an example of a proud American who is willing to dedicate her talents to serve our Nation.

I encourage each of my colleagues to take a moment to read the following winning essay. It provides an excellent interpretation of a leadership role that a young individual envisions.

#### HOW JROTC HAS PREPARED ME FOR RESPONSIBLE CITIZENSHIP

JROTC has been interesting, exciting, informative, and an education in how to be your best. More significantly, JROTC prepared me for a successful life and responsible citizenship.

JROTC challenged me to learn how to better serve my country. Serving my country does not necessarily mean serving in the nation's armed forces, but being knowledgeable about government and being active in community service. Nevertheless, one of the most important ways in which I have practiced my citizenship has been by proudly wearing my Army JROTC uniform. I was not just representing the JROTC program whenever I wore it, I was representing the US Armed Forces, my school, and my nation. Furthermore, JROTC taught me how to show patriotism towards my country, towards my flag and to understand how democracy works.

As a fourth year cadet, I had numerous opportunities to practice my leadership skills and acquiring leadership skills helped me to become a responsible citizen. I have had hands-on experience in teaching lower classmates drill, first aid, map reading, marksmanship and several other courses. Acquiring these skills helped me develop leadership attributes and become a responsible citizen.

Two other courses I have enjoyed immensely and believe essential to the program are the drug abuse lectures and a block of instruction known as "Unlocking Your Potential." The drug abuse program helps encourage cadets to stay drug free and influence others to be drug free. What better way to teach responsible citizenship? Similarly, "Unlocking Your Potential" assisted me in developing a higher self-esteem, a positive attitude, and most importantly to decide what I really wanted to do with my life. Goal setting is an integral part of the course.

I attribute my success to the JROTC program. Most likely, if I had not taken this course, I would not have accomplished my goals. I am proud of being in the top ten percent of my class. I am proud of being selected as a peer tutor and role model by the Brownsville Police Department for a drug education program for elementary schools. And I am proud of having enlisted in the armed forces where I will continue to be a citizen dedicated to the preservation of American Freedom.

JROTC aided me in becoming a responsible, dedicated citizen. It would be fantastic if everyone could go through this program. If they did, our country would profit.

#### FIRMS GET A JUMP ON FAST TRACK—JOBS GO TO MEXICO

#### HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. RAHALL. Mr. Speaker, last May, during the debate on extending fast-track authority, I

had many concerns about that matter. Concerns about treatment of the environment; health and safety laws; labor laws, especially child labor laws; and Buy American mandates. But certainly my chief concern was the right of American workers to keep their jobs.

I, along with many of my colleagues, stood here demanding that the Congress not be made to sit idly by while the jobs of our constituents are allowed to leave this country. I wanted a process which would ensure that the jobs of Americans would be protected. I wanted to know how we expected our workers to compete with workers who are willing to accept far inferior wages and working conditions?

During this debate, I was told not to worry about the loss of jobs to Mexico. I was told that the fear of Mexican workers taking American jobs was farfetched. I didn't believe that. I couldn't believe that. Jobs in my State are too precious to risk on such empty speculation. At the time of the fast track vote, West Virginia had an unemployment rate of 8.3 percent. The current unemployment rate in West Virginia is 9.8 percent.

Many areas of this country are suffering similar unemployment rates and there are many factors contributing to this suffering. But I submit to you that on top of all the other economic contributors which are driving up the unemployment rate, American workers should not have to worry about losing their jobs to Mexico because of a weak trade agreement which makes it easy for businesses and industries to take jobs there.

Are Members who fear having to watch helplessly as the plug is pulled and jobs swirl down the drain into Mexico overreacting? Is our response of anxiety to the granting of fast-track authority inappropriate? Absolutely not!

Let me quote to you from a classified ad in a textile trade publication:

Business For Sale, Mexico Apparel Plant. Get a head-start on "Fast Track Free Trade." Save 50 percent on U.S. costs.

No one can call me this isn't an advertisement to entice U.S. businesses to take advantage of the low wages which prevail in that country! This ad isn't aberration. I have other examples of attempts to lure companies and businesses with the promise of low labor costs.

Consider this. The marketing director of FINSA Grupo Arguelles, a private Mexican development firm, promises United States companies fully fringed labor costs which average \$1.25 per hour. Labor costs, including all benefits, which average \$1.25 per hour; that's \$10 per day; \$40 per week; and we're not even talking take home pay.

Or how about the company which holds seminars on how to take advantage of a \$25,000 savings per assembler, per year? That's \$25,000 which they are promising to take out of the pockets of American workers, promising to take out of the American economy. Is this what my opponents had in mind when they said that the fear of losing American jobs to Mexico is far fetched?

I ask you Mr. Speaker, is this the fate of American labor? Are the sacrifices which were made in the past by our fathers and mothers, grandfathers and grandmothers to ensure fair wages, safe working conditions, and a decent

standard of living going to be thrown away for \$1.25 an hour? Have we forgotten the struggle, the pain, the humiliation, which was endured by the citizens of this country whose only desire was to be able to perform an honest day's work in a clean, safe, factory for an honest day's wage. These were people who took pride in their work and in their country and instilled this pride in their children.

The achievements of our grandparents cannot be forgotten. They are part of what has made this country what it is today. We should be focusing our attentions on ways to make this country stronger, not on ways to send the jobs, which decent, hardworking Americans deserve, to Mexico.

## DUKE MUDDIES THE MAINSTREAM

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. PEASE. Mr. Speaker, I would like to call my colleagues' attention to the following editorial, which appeared recently in the Plain Dealer, Cleveland's daily newspaper and the largest circulation daily in Ohio. It discusses, succinctly and articulately, a frightening trend which is becoming apparent in this Nation.

The politics of divisiveness emerged during President Bush's first Presidential campaign, and they have been employed by the President and many of his followers ever since. We have witnessed them most recently in the President's rhetoric regarding important civil rights legislation as well as the White House's strategy during the Thomas confirmation hearings. Mr. Speaker, these tactics are pitting American against American on the basis of race and gender.

It is dangerous to forget that human emotions are deeply rooted and easily manipulated. The victories the United States has scored against prejudice and discrimination since the 1960's are fading as the political strategies of the GOP shamelessly stir up the very worst in human nature. Try as they might, the President and the Republican Party cannot distance themselves from the monstrous tactics they have popularized. David Duke is employing the lessons of his teachers all too well in the Louisiana gubernatorial contest.

Mr. Speaker, I hope that my colleagues will read this editorial and take its admonitions to heart.

[From the Plain Dealer]

## DUKE MUDDIES THE MAINSTREAM

A frightening, real-life drama is being played out in Louisiana. It bears watching as a foreboding measure of U.S. race relations.

Louisiana voters last week gave former Ku Klux Klan Grand Wizard David Duke a berth in the electoral runoff for the governor's office. Duke claimed about 32% of the vote, coming in second to Democratic former governor and gambler Edwin W. Edwards.

The bayou state's electorate historically has supported flamboyant politicians who have more skeletons in their closets than position papers in their portfolios. Edwards is no angel-in-pinstripes. He has said he will base this campaign on what's best for the state, not on personalities and the past.

That's a necessary strategy. During Edwards' gubernatorial reign in the 1970s, he was known as a gambler and a womanizer, and twice was indicted on federal racketeering charges (though he was never convicted).

But Duke's past is far more worrisome. He has worn the robes of a klansman and the cloth of a neo-Nazi. He has traded those outfits for power suits, well-coiffed hair and a man-of-the-middle image. And it's working.

He has appealed to traditional Republican strongholds by preaching the evils of the welfare system and those who must make use of it—in Louisiana's case, that means mostly blacks. He blames crime, drugs and other social ills on them and says he will reduce social service costs by lowering the "illegitimate welfare birthrate."

Those are dangerous words, ones meant to stir up racial hatred. As the economy remains comatose, anger rises and people get hungrier to find scapegoats on which to blame their predicament. Duke is exploiting those emotions.

That's disgusting no matter when it's done. But Duke's mouthings come as racial tensions flare around the country. Many college campuses are experiencing increases in racial incidents; so, too, are big cities where melting pots are bubbling over into violence.

The national Republican Party, of which Duke claims to be a member, disavows any connection to the state representative. Still, Duke is gaining legitimacy, in large part, by invoking many of the same cries as the mainline GOP. Duke's platform, concedes the Louisiana Republican Party, is built on standard Republican arguments—such as quotas being unfair to whites.

If Duke has become mainstream, he has floated in on the wave of political strategy begun by the late Lee Atwater, the Republican strategist who made Willie Horton a household name during the last presidential campaign.

Perhaps the Republicans never expected their rhetoric and tactics to be used so deftly by a former klansman. Perhaps they deserve to see the perverted maturation of their divisive brand of politics.

What's more important is to not ignore the anger Louisiana voters have shown through their support of Duke. Leaders must look at the problems behind that discontent and devise solutions that will be equitably beneficial for all Americans. One thing is certain: The country cannot afford to be governed by bigotry.

## THE U.S.S. "PHELPS"

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. GILMAN. Mr. Speaker, I rise today to bring to the attention of my colleagues the inspiring story of the U.S.S. *Phelps*.

The U.S.S. *Phelps* was commissioned in 1936, but her true history did not begin until the bombing of Pearl Harbor by the Japanese in 1941. The *Phelps* survived the infamous Japanese attack and her crew went on to earn 12 Battle Stars for engaging the enemy and rescuing numerous downed aviators.

Additionally, the *Phelps* took part in many other historical battles including the Battles of the Coral Sea, Midway, and the assault on Guadalcanal. After its enviable World War II record, the U.S.S. *Phelps* was decommissioned in 1945 and struck from the naval registry in 1946.

However, the memory of the *Phelps* lives on in its former crew as they gather to celebrate their distinguished service and the memory of the *Phelps* every 2 years. I am particularly proud that George J. Parness, the mayor of Suffern, NY, a village in my congressional district, was one of the *Phelps* crewmen.

I request that the history of the U.S.S. *Phelps*, written by George Parness and Harold Placette, be inserted at this point in the CONGRESSIONAL RECORD in order to enable my colleagues to read the history of this great ship and her dedicated crew and their heroic service to our Nation's war effort that saved the world from dictatorial domination during World War II:

THE STORY OF THE U.S.S. "PHELPS" (DD-360)  
The U.S.S. *Phelps* (DD-360) was commissioned in 1936, decommissioned in 1945, and scrapped in 1946. In one short decade, the *Phelps* played a part in international diplomacy, survived Pearl Harbor and engaged the enemy in World War II, (12 battle stars), and rescued numerous downed aviators. An enviable record in such a short time!

After her commissioning in Boston, the *Phelps* was the only destroyer selected to accompany President Franklin D. Roosevelt to Buenos Aires, Argentina when he opened the Inter-American Peace Conference of 1936. Upon returning to Boston, the *Phelps* received a letter from the President containing those phrases which are the inspiration of all Navy men: "A smart ship! To every man in your ship's company, 'Well done'!"

Assigned to the Pacific Fleet in 1937, the *Phelps* was again honored by being selected to take President Roosevelt from Seattle, Washington to Victoria, B.C. for the President's meeting with the Prime Minister of British Columbia in October of that year.

In 1939, the *Phelps* home port was shifted to Pearl Harbor, where she was designated Flagship, Destroyer Squadron ONE, Battle Force, United States Fleet. On that fateful morning of December 7, 1941, the *Phelps* was alongside a destroyer tender in Pearl Harbor, and all shut down. With only three officers, one Lieutenant and two newly-commissioned Ensigns, and approximately fifty percent of the crew, the *Phelps* got up steam, got underway through fire and confusion, steamed out into the Pacific, stayed underway for 72 hours with the Lieutenant on the bridge the entire time, and finally returned to Pearl Harbor when it was safe to do so.

February 1942 found the *Phelps* steaming with the carrier *Lexington* task group when attacked by Japanese aircraft. That was the first major air battle of the war, in which Lt. E.H. "Butch" O'Hare became one of the first aces of the war by shooting down five enemy aircraft. The Chicago airport is named after this naval aviation hero.

In May 1942, the *Phelps* was again steaming with the *Lexington* in the Battle of the Coral Sea. When the *Lexington* was rendered helpless by the attacking Japanese aircraft and resulting fires, the *Phelps* was designated to stay behind the retreating task group, pick up the last survivors, and torpedo the burning carrier to prevent the Japanese from attempting to salvage the hulk and claim a moral victory.

The following month the *Phelps* was in the thick of the action again, operating with the carrier *Enterprise* at the Battle of Midway. During the three-day battle, the *Phelps* picked up two dive bomber pilots, one whose plane was damaged by enemy gunfire, and



the other whose plane ran out of gas while returning to the *Enterprise*.

In August, U.S. forces launched the assault on Guadalcanal, with the *Phelps* assigned to the carrier *Saratoga* task group providing air support to the landing operations. During the months of July and August, the *Phelps* recovered several aviators whose planes were damaged in aerial combat or ditched for a variety of reasons.

The *Phelps* returned to the Mare Island Naval Shipyard in California for new radar equipment and more anti-aircraft guns. In place of heat and humidity, the *Phelps* next went to the Aleutian Islands with the Amphibious Force to drive the Japanese forces out of Attu and Kiska. That task completed, the *Phelps* proceeded to Pearl Harbor and joined the Task Force headed for the Gilbert Islands. Here her accurate gunfire helped destroy Japanese shore batteries on Makin Island.

Two months later, the *Phelps* was part of the Amphibious Force that assaulted Kwajalein, in the Marshall Islands. On D-Day Plus 1, the *Phelps* was the first destroyer to enter the lagoon at Kwajalein and shell Japanese positions from inside the atoll. Three weeks later, the *Phelps* was again the first destroyer to proceed into the lagoon at Eniwetok, following a small U.S. minesweeper.

Luck ran out during the bombardment of Saipan in June 1944. The *Phelps* was hit by Japanese shore batteries, with significant damage, several injured, and one fatality. Because of the heavy repair workload in Pearl Harbor and the West Coast shipyards, the *Phelps* returned to the Atlantic and was repaired at the Charleston, South Carolina Navy Yard. Her last year of service was spent in the Atlantic on convoy duty between the United States and Europe/North Africa.

The physical parts of the ship—the hull, the guns, the engines—are minor contributors of this decade of glory. The ship's company, from plank owners at the commissioning in Boston to the men who were serving at the time of her decommissioning in Brooklyn almost ten years later—these are the men of whom we can be justly proud.

When they meet every other year to recapture the past, the hopes is voiced that perhaps some day there will be another *Phelps*. The *Phelps* shipmates will next meet in San Antonio in the fall of 1992, and the glories of the years gone by will be told once again.

#### PROVASOLI-GUILLARD CENTER

#### HON. THOMAS H. ANDREWS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. ANDREWS of Maine. Mr. Speaker, I rise to announce the introduction of a resolution, with Representative OLYMPIA J. SNOWE, to designate as a national center and facility the Provasoli-Guillard Center for the Culture of Marine Phytoplankton at the Bigelow Laboratory in West Boothbay Harbor, ME. This is companion legislation to a bill introduced in the Senate by Senators GEORGE MITCHELL and WILLIAM COHEN.

The Bigelow Laboratory is known throughout the scientific community for its significant contributions to the research of the marine environment in Maine, the country and other regions of the world. The Provasoli-Guillard Center plays an important role in the labora-

tory's work. Phytoplankton are microscopic plants that form the foundation of the food web and fisheries productivity. There is evidence that this organism can help control the flow of carbon dioxide to the deep ocean and thereby influence global climate change. Oceans and their life-supporting ecosystems cover 70 percent of the Earth. The Center contains the largest collection of marine phytoplankton in the world and supplies researchers around the world. This legislation provides well-deserved recognition to the Center, and confirms its place as a leader in the study of marine phytoplankton.

#### COMMENDING MAJ. GEN. HAROLD GENE HOLESINGER ON HIS RETIREMENT AS ADJUTANT GENERAL OF THE ILLINOIS NATIONAL GUARD

#### HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. DURBIN. Mr. Speaker, I rise today to honor Maj. Gen. Harold Holesinger, the State's highest ranking military officer, upon his retirement following nearly 40 years of service with the Illinois Army National Guard. Major General Holesinger currently serves as the Illinois Adjutant General and director of the Illinois Department of Military Affairs. In this capacity, General Holesinger has admirably fulfilled his responsibility to both the 15,000 men and women serving with the National Guard and the State of Illinois for planning, development and implementation of Illinois National Guard defense policies. General Holesinger has made a strong contributions to both Illinois and the Nation and his leadership will be missed.

General Holesinger's record of service is, in so many ways, a model of success. He was promoted to the position of adjutant general for the State of Illinois in November 1983. A native of Morrison, IL, General Holesinger is a graduate of Morrison High School and attended Northern Illinois State Teachers College. He began his military service in 1948, enlisting as a private in the 33d Division of the Illinois Army National Guard. Awarded his pilot's wings, Gene Holesinger was commissioned as a second lieutenant in 1952. With combat experience in Korea, active service during the Berlin crisis and over 5,000 flying hours in various aircraft, General Holesinger has also served as a gunnery instructor pilot and a flight commander.

As the recent experience in the Persian Gulf demonstrates, our National Guard and Reserve forces are ready and able to step forward and serve our Nation far from home in times of need. During General Holesinger's leadership, the National Guard posted its highest level of readiness in Illinois history. Units such as Springfield's 233d Military Police Co., and Chicago's 108th Medical Battalion demonstrated their courage and dedication during Operation Desert Storm. However, the Guard's dedication and service is equally demonstrated by the disaster relief, comfort and humanitarian assistance extended to their

fellow Illinois citizens in terms of need here at home.

A two-star general with the U.S. Air Force, General Holesinger has been awarded numerous decorations, including the Air Medal with one Oak Leaf Cluster, Air Force Commendation Medal, Combat Readiness Medal with Four Oak Leaf Clusters, the National Defense Medal with a Bronze Star and the Korean Service Medal. Active in the Air Force Association and the National Guard Association of the United States, the Reserve Forces Policy Board and the Executive Council of the National Guard Association, General Holesinger's contributions extend far beyond the Illinois borders.

I know his wife, Dolores, and two children are proud of his years of distinguished service. I join them and thank Harold for his years of selfless service and wish both he and his family all the best for the future.

#### THE INTRODUCTION OF A BILL TO IMPROVE THE FEDERAL PRISON INDUSTRIES PROGRAM

#### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. SKELTON. Mr. Speaker, I rise to introduce a bill to improve the Federal Prison Industry [FPI] Program run by the Bureau of Prisons. The program has provided useful employment for Federal prisoners for 60 years. Teaching them working skills and keeping them occupied and out of trouble.

The doubling of the prison population over the last 10 years, however, has put a tremendous pressure on FPI to grow at any cost. Unfortunately it is America's taxpaying small businesses who have paid the price. Federal Prison Industries have used their a preemptive right to Federal contracts extensively, and reserved for themselves the lion's share of Federal business in a number of product categories. In so doing, they have ignored their own mandate to find labor intensive products without dominating any one industry. As a result, the taxpayer has been ill-served by a costly program providing a minimal benefit and small businesses caught in the squeeze have either laid off their law-abiding employees or closed their doors altogether.

The bill that I introduce today in conjunction with 12 of our colleagues, Mr. Speaker, would make Federal Prison Industries a responsible participant in the Federal procurement market by requiring them to compete for contracts and execute them efficiently. Our bill will simply require the program managers to work harder to find more appropriate opportunities for their work force that provides the least intrusion on existing small businesses.

STATEMENT OF THE HONORABLE  
AL SWIFT

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. FAZIO. Mr. Speaker, I know that my colleagues share my deep sense of professional and personal regret over the announcement by our distinguished friend from Washington, Congressman AL SWIFT, that he will seek re-election to the House only one more time. The loss of such an intelligent, principled, and effective legislator will be sharply felt in this Chamber by the people of the State of Washington and by the Nation.

In keeping with the remarkable quality of his entire career, Congressman SWIFT used the occasion of his retirement announcement to discuss the threat to democracy posed by the term limit movement with great insight and power.

I insert his moving remarks into the RECORD in the hope that every citizen who cares about the preservation of government "of the people, by the people, and for the people" will take the time to review them.

STATEMENT: AL SWIFT, OCTOBER 25, 1991

I was in high school when we ratified the Constitutional amendment limiting Presidential terms. The rationale was that serving more than that gave presidents too much power in relation to the Congress. I remember believing even then that the solution was too radical for the problem. I argued that the term limitation proposal was actually a limitation on a free people to choose whomever they wish to be their President.

In ten days, the citizens of Washington State will vote to determine if they will similarly limit themselves in who they may wish to serve in the Governor's office, other executive offices, the legislature and presumably, in Congress. I think this would be a very serious mistake—one that we will deeply regret, not today or tomorrow, perhaps, but fairly soon and until we repeal it.

The frustration I have felt in speaking out against this very popular response to the intense frustration people are feeling these days is that, as a Member of Congress, whose service to my district would be cut short by this initiative, I have no credibility.

"You're just trying to hang on to your job," people will say, and that is understandable. But I believe this radical surgery on the body politic will be so bad for people and for our democratic institutions that I very much want to speak out, to address my fellow citizens in a way in which they will at least give serious and thoughtful consideration to what I say—rather than dismissing it as merely self-interest.

Therefore I am announcing today that I will seek only one more term, in 1992. I will not run for re-election after next year, regardless of the outcome of Initiative 553. I will not run for the Senate. I will not run for Governor. I will never again seek public office.

Some of the finest public servants I have ever known have spent their whole lives in public office: Senator Jackson and Senator Magnuson to name two great ones. However, I have not. I worked most of my life in the private sector. I am one of those citizen legislators we hear so much about. I do not fear returning to the private sector.

This was not an easy decision to make. In this Congress I became Chairman of a very important sub-committee—a Chairmanship that will allow me to even better serve the people of the Second District. I will be able to use this new position to, among other things, help restore Amtrak to our community—and improve the service between Seattle and Portland. I also want to complete the rewrite of our nation's basic recycling law this term and update the Superfund law in the next.

I want to deal with traffic problems at the Canadian border, flood control work, help Max McYoung get the Skagit Wild and Scenic River properly funded and attended to. I'd like to see the Everett Home Port open and want to be sure that NAS Whidbey survives the 1993 base closure process. There is, of course, even more.

So, I have been certain that I wanted to run one more time. My wife and I were moving strongly, however, to the decision that it would probably be the last. It simply occurred to us that if we made that decision now, rather than in a couple of years as would be more typical, I could speak out on Initiative 553, without having anything at stake, personal, professional, or political.

This decision is irrevocable.

Now, having said that, let me discuss I-553. 553 is like the apple in Eden: It is very tempting and it will lead to no good. First, as I have said, it purports to limit lazy, corrupt and unresponsive politicians. But it throws the baby out with the bath water. In fact, a sound argument can be made that it primarily throws out the baby and leaves the bath water; it throws out people like House Speaker Tom Foley who is respected and, most importantly, is a known quantity—for what? At the very best it assures that a respected, known quantity will be replaced by a totally unknown one. Tell the truth: What are the chances that Tom Foley's replacement will be better than he is? In this sense, Initiative 553 is simply a crap shoot. Our odds of winning that game are poor.

Aside from that, there are three major reasons to reject 553 and one very good action people can take to restore their confidence in our system.

The first reason is that this is an out-of-town, out-of-state movement with a secret agenda. An excellent piece of investigative reporting done by the Tacoma News Tribune revealed that Initiative 553 is the brainchild of a small group of very rich, very extreme citizens, not one of whom lives in Washington State. And it is bankrolled by that group, which includes among others the 18th wealthiest family in the world.

The second reason: When California passed a term limitation bill, they carefully exempted their Congressional delegation. With the largest and most powerful delegation in the nation, California is the only state which might be able to survive the self-crippling of their influence in Congress. However, they did not do that. But the initiative created for us by out-of-state forces very specifically limits our ability to defend ourselves in Congress. There are serious Constitutional questions about that provision, but I wouldn't bet the farm on this Supreme Court and that's what we're being asked to do.

So what is at stake? Just for starters: our power, our electricity rates, our water, a fair portion of Pacific Rim trade, and, at its very core, our ability to have control of our own fate when our giant neighbor to the South decides otherwise.

Some say, but eventually, this will apply to all the states. Stop and think. Most states

are considering 12 year limits. Ours is only six. We are still disadvantaged.

And besides, they are asking us to go first. "Hey," they say, "I've got a great idea: Let's all cut off our right thumb. You go first. I'll be right behind you."

Sure, and the check is in the mail.

If this is a good idea for everyone—and I don't think it is—then everyone should do it together. And our system provides a means to amend the federal Constitution to do that. But to do it alone is the legislative equivalent of unilateral disarmament. We will stand naked, shivering in the cold winds of harsh political reality, while the well-meaning local supporters of 553 explain that they really did think that others would follow our lead and they can't tell us how sorry they are that they didn't.

As for the out of state forces that started this and are bank-rolling it, they could not care less.

My third and final point is really my first one, the one I remember from school. 553 limits people a lot more than it does politicians. It limits the citizens in a free society. And that is dangerous.

How can it be dangerous?

The premise of this measure is that people cannot be trusted to make up their own minds the fourth time a legislator runs. They are too easily influenced by incumbency, too readily gulled by professional politicians we are told.

Well, someone is going to ask, if the people can't be trusted to make a wise decision the fourth time, how can they be trusted to decide wisely the third time . . . or the second. How can they even be trusted to make such weighty and important decisions at all?

In short, this is an attack—not on entrenched politicians—but on the very right of people to choose their own leaders.

A final observation along that line. Somehow we've come to a point where, as free citizens in this great land, we no longer believe we can have an effect on our political process. I think that is because somewhere we got the idea that democracy was easy.

Thomas Jefferson said that "eternal vigilance is the price of liberty." That does not sound easy to me. This country was founded by people willing to sacrifice their lives, their fortunes and their sacred honor in order to be free and self-governing. And many Americans since have died to protect—fundamentally—our right to vote, our right to choose our leaders, which is the essence of our democracy.

Now, some people are telling us that they have come up with a "no sweat" democracy. Pass Initiative 553 and we'll give you a "set and forget" political system. You won't have to lift a finger.

You won't have to find out what anybody stands for. You won't have to search out voting records. You won't have to struggle to understand issues—some of which are very complex and difficult these days. You won't have to do that because—we've done the founding fathers one better. Citizens won't have to pay any attention because every three elections we throw everybody out—good and bad. You won't need to pay attention because if a stinker gets in office, he will soon be gone. And if a really good person gets in, there's nothing you can do to keep them there, so you really don't have to worry about governing yourself anymore. Initiative 553 will just take care of all that for you.

I got interested in politics a long time ago because I think it is the heart of what makes a democratic society work. And I believe



that a nation's politics is as good as its people are vigilant.

Democracy is not a spectator sport.

Over the years I've worked on more campaigns for other people than I have for myself. I never expected to run for office, let alone have the great honor of representing some very good people in the United States Congress.

But here I am—proof that you can make a difference. I am a truck driver's son and I have been able to make a difference. Don't tell me you can't. I had a very happy childhood in a blue collar neighborhood on McKinley Hill in Tacoma and got my first job at Sprague Hardware when I was fourteen. And I was able to make a difference. So can anyone.

I worked my way through college—the first one in my family to graduate and I was able to make a difference. Just like millions of other Americans.

And one strange day I decided to run for Congress and I faced powerful forces—equivalent of incumbency—and I was outspent, two to one. But I was elected. It can be done.

In fact, it is done regularly.

In the last 9 elections right here in Washington State, we've elected 12 new people just to our small Congressional delegation—and in the process defeated 4 incumbents. We can change our delegation and we do change our delegation. We can defeat incumbents and we do defeat incumbents.

It just takes "participation."

I no longer have any political stake in this initiative, but I do have a personal one. As a citizen of this state, I care deeply about its future, and just as every other citizen of Washington, I have an enormous personal stake in its well being.

And I ask my fellow citizens to get involved. Elect whom you wish. Defeat whom you choose. Be active. Take control. But don't—Don't ever give away your control to someone who promises every thing will be all right. Democracy inherently means the right to vote and the right to choose our leadership—but it is not, and never has been, a burden of responsibility. It is a sacred trust. If we turn our back on that trust, we, and the rest of our country, will lose so much more than just a few more Congressmen.

#### TRIBUTE TO PAUL GRANDE

#### HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. REED. Mr. Speaker, I rise today to pay tribute to Mr. Paul Grande, former president of the Silver Lake Little League, on the occasion of a testimonial honoring his three decades of service to the youth of Rhode Island. Mr. Grande has displayed compassionate leadership and commitment to his community.

Mr. Grande's dedication to young athletes is evidenced through the numerous positions he has held such as being a coach of little league baseball for 35 years, or being a Cub Scout master for 14 years and umpiring for baseball games for 10 years. A well-respected individual of Providence, he stands as an usher at masses for St. Bartholomew's Parish and is a member of the Holy Name Society.

Mr. Grande's efforts with the youth of Silver Lake have instilled confidence, aggressiveness, and growth within each child and these

qualities will hopefully remain in their spirits for the competitive world ahead of them.

Mr. Speaker, I ask you and my colleagues to join me in saluting Mr. Paul Grande. I am indeed proud of his honorable service to our next generation of leaders in this country.

#### IN HONOR OF BREAST CANCER AWARENESS MONTH

#### HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. ROTH. Mr. Speaker, I rise today in recognition of October 1991 as "National Breast Cancer Awareness Month." As this month draws to a close, it is my hope that greater national emphasis will result in more effective diagnosis and treatment of this deadly disease.

More than 175,000 new cases of breast cancer will be diagnosed this year while nearly 44,000 women will die from this disease. It is the second leading cause of death among women in the United States. Despite early detection, the mortality rate has remained unchanged for 60 years and the incidence rates continue to escalate for reasons which remain unclear.

In my home State of Wisconsin, approximately 3,100 women will develop breast cancer this year, and while many cases will be detected early enough to save lives, many women will suffer and die. We must support and encourage greater access to mammography and breast examinations because early detection is crucial to survival.

Mr. Speaker, continued research is vital if we are to find a way to end this senseless loss of life. I am confident that we will reach this goal through the efforts of many organizations and individuals—the American Cancer Society alone has more than 2.5 million volunteers nationwide. I commend these people for their dedication. I want to thank all of the women who contacted me this month to express their concerns about breast cancer. I share your commitment, and I join with you to fight this killer.

Most importantly, I have the deepest admiration for those women who are fighting breast cancer and have the courage to go on in life. You are not only an inspiration but also a symbol of hope for the future when someday this fight will be won.

#### FELIX "DON FELIX" PITTERSON

#### HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. DE LUGO. Mr. Speaker, A great and wonderful man, Felix "Don Felix" Pitterson, has passed away at the age of 93. A man of generosity and compassion, Don Felix was self-taught and self-made. He grew up in poverty but by the time of his death, he was possibly the largest landowner on St. Croix.

But Don Felix never used the land as so many others do. He was content to see the

rolling fields of his island home left largely unspoiled by development. But he was ever generous. When charity asked, he responded, donating portions of his beloved land to nearly two dozen community organizations including churches and schools.

Born on Vieques and raised on Culebra, Don Felix had almost no formal education. He fibbed about his age to a U.S. Navy recruiter and joined the service at the age of 14. Ever eager for knowledge, he traveled the world, reading and experiencing life. He first came to the Virgin Islands in 1928 and moved to St. Croix 10 years later to begin raising cattle, acquiring property as his business prospered.

My grandfather, Don Antonio Lugo y Suarez, knew Don Felix well in their days in Vieques before they moved to the Virgin Islands, Don Felix to St. Croix and Don Antonio to St. Thomas. I was fortunate to become acquainted with Don Felix in 1956 when I moved from St. Thomas to St. Croix. I learned first hand so much that I had heard through the years from family and friends about what a forceful yet kind man he was.

An era has passed with the passing of Don Felix Pitterson, an era which will be remembered with pride and fondness by all who knew this outstanding man.

#### TERRY'S LAST BIRTHDAY IN CAPTIVITY

#### HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Ms. SLAUGHTER of New York. Mr. Speaker, 6-year-old Sulome Anderson was on the evening news this weekend, singing "Happy Birthday" in childlike innocence to a father she has never met. Little Sulome was born 4 months after Terry Anderson was abducted in Beirut in 1985. The wish Sulome made this weekend as she blew out the candles on her father's birthday cake was that Terry might come home in time to celebrate her own seventh birthday this coming Spring.

Sunday, October 27, 1991, was Terry Anderson's 44th birthday—the 7th birthday which he has marked in captivity. Terry's family and friends are hopeful that this will be his last birthday as a hostage. At church and community services marking Terry's birthday in East Pembroke, N.Y.; Lorain, OH; and, Cadiz, KY, the prevailing sentiment was one of great love and hope. Intense efforts by U.N. Secretary-General Javier Perez de Cuellar on behalf of the Western hostages and the recent homecomings of Jesse Turner and John McCarthy have buoyed expectations that the remaining hostages will soon be free.

The Middle East peace conference opening tomorrow in Madrid holds an historic opportunity to end at last the crimes of terrorism which have robbed Terry of 7 years of his life. As Secretary Baker negotiated the convening of such a peace conference, I was proud to gather the support of 47 of my colleagues in the House in petitioning President Bush to make freedom for the hostages and an end to terrorism a priority in the Middle East conference. I hope that Terry is aware of our con-

cern and our efforts in pressing for his release; and I pray that he accepts these efforts as a genuine sign that he has not been forgotten.

On this bittersweet occasion of Terry Anderson's birthday, I ask all of my colleagues to remember Terry and the other hostages in their thoughts and prayers, so that next year, this same date might be a cause for real celebration—the celebration of freedom.

### THIRTEEN YEARS OF AIRLINE DEREGULATION

#### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. BEREUTER. Mr. Speaker, during the past several years the United States has seen a procession of airline bankruptcies, mergers, and takeovers. These changes have resulted in decreased competition and, in turn, fewer choices and greater inconvenience for passengers. As a result, more and more Americans are becoming disenchanted with the overall effects of airline deregulation.

Clearly, a thriving and competitive airline industry is essential to the economic health of the United States and the well-being of its citizens. However, the recent consolidation of the airline industry and the demise of some of the giants has generated much concern about the industry's future. After more than a decade of deregulation, it is appropriate to take a look at the results and determine the best course for the coming years.

The following editorial from the October 3, 1991, edition of the Lincoln Journal is a brief but insightful look at the disturbing trend toward consolidation in the airline industry. I commend this editorial to my colleagues.

[From the Lincoln Journal, Oct. 3, 1991]

#### IS THIS HOW DEREGULATION OF AIRLINES WAS TO END UP?

Airline deregulation, commencing in 1978, was held out, by Republicans and Democrats alike, as a sure boon to travelers.

The promise was that in an opened market, competitive opportunities and commercial freedom would spawn new carriers and cut all passenger costs. That tended to happen; anyway, at the beginning.

Seventeen airlines were formed between 1979 and 1985.

Fourteen of them no longer fly.

Today, just three airlines alone carry more than half of all the passenger load. Add five more carriers and they have 90 percent of the market.

The evolution is toward an oligopoly, or a market containing an controlled by only a few sellers.

And, oh yes, you can't get there from here, or at least not conveniently, is a well-known story, coast to coast.

### THE INTRODUCTION OF THE LONG ISLAND SOUND RESTORATION ACT OF 1991

#### HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. MRAZEK. Mr. Speaker, I rise today to announce that I am introducing legislation that will help to ensure that we will always be able to enjoy Long Island Sound as a source of recreation, livelihood, and natural beauty. The Long Island Sound Restoration Act of 1991 develops a demonstration program to rejuvenate Long Island Sound and restore water quality in designated bays and harbors.

Currently, the Environmental Protection Agency [EPA] is working to complete the 6-year comprehensive conservation and management plan [CCMP] of the Long Island Sound study under the National Estuary Program. The research and assessment phase is being concluded and EPA has released a document to address findings on hypoxia—low dissolved oxygen, which is the leading problem in the Sound—the "Status Report and Interim Actions for Hypoxia Management." In fact, the Long Island Sound Policy Committee recently agreed to the implementation of strategies to prevent net increases in nitrogen and to prevent nonpoint source increases.

This new program will be a first-step toward improving the water quality of Long Island Sound as well as implementing the recommendations of the CCMP. While it is not the solution to all of Long Island Sound's water quality problems, it is a major step forward.

The goals of the legislation are to restore water quality in designated bays and harbors, enhance opportunities for recreation, maintain a healthy ecosystem, minimize health risks associated with human consumption of shellfish and finfish, and advance the goals and recommendations of the CCMP.

Under the program, the EPA will provide grants to the States of New York and Connecticut in order to remediate and restore a total of six bays and/or harbors within Long Island Sound. The selection of bays and/or harbors will be subdivided throughout the Sound, with one in New York City. The designation of bays and/or harbors will be made in cooperation with the Long Island Sound Management Committee.

The States will use the grants to address any combination of the following problems: pollutants from nonpoint sources, waste from recreational boats, pollutants carried by rivers, airborne pollutants, degradation of wetlands, and pollutants from point sources. Also, a public education component is included.

The program requires monitoring and the submission of periodic reports to EPA and one to Congress at the conclusion of the program. The total program cost is \$325 million, with a Federal contribution of \$250 million.

As a member of the House Appropriations Committee, I have advocated increased funding for clean water-related programs, including the construction grants and State revolving funds [SRF] programs. I strongly support the \$70 million grant for New York City appropriated this year and increases in the SRF.

But, more needs to be done to address the specific and significant water quality problems in the New York metropolitan area. As the population in the Long Island Sound drainage basin continues to increase, the demands on Long Island Sound are directly related to the stress on this important ecosystem. Clearly, this legislation acknowledges a Federal commitment to the region as the goals and recommendations of the CCMP are implemented after the Long Island Sound study is concluded next year.

It is my hope that this important demonstration will both serve as a model for estuary cleanup and will be included as part of the upcoming Clean Water Act reauthorization.

### A SALUTE TO TOM MCNIEL

#### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. JOHNSON of Texas. Mr. Speaker, I would like to take this opportunity today to tell my colleagues about a man who has served our Nation well for many years, Tom McNiel. For the past 23 years, Tom has served as the chairman of Texas' Third Congressional District Candidate Selection Board to help appoint outstanding young men and women to America's service academies.

As a member of the U.S. Military Academy's Class of 1945, Tom McNiel knows the rigors and rewards of our military academies. He emerged from his own West Point experience with patriotism and dedication. He has passed on those values to the academy applicants with whom he has worked.

During Tom McNiel's many years of leadership, the Dallas area's Third Congressional District has sent many young men and women to the academies. The Third District is well represented with 21 appointees currently attending the U.S. Air Force Academy, 18 at the Naval Academy, 17 at West Point, and 6 at the Merchant Marine Academy.

Mr. Speaker, Tom McNiel has served his country, many young people, myself, and my predecessors through his leadership on Texas' Third District Candidate Selection Board. I offer Tom McNiel my heartfelt thanks for his service to Texas and to America.

### HCFA REGULATION COULD JEOPARDIZE KENTUCKY'S MEDICAID PROGRAM

#### HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. ROGERS. Mr. Speaker, on September 10 the Health Care Financing Administration [HCFA] announced its intention to prohibit States from raising Medicaid matching funds through provider fees or voluntary donations. If enacted, this proposed regulation will have a devastating impact on the elderly, the poor, and the children of Kentucky.

If this rule goes into effect, a quarter of a million Kentuckians with families under the



poverty level could lose their hospital coverage.

The rule would have a disastrous effect on rural hospitals. In my district four hospitals would lose \$7.5 million. Harlan Appalachian Regional Hospital would lose \$1.3 million, Humana Lake Cumberland would lose \$3.3 million, Whitesburg Appalachian Regional Hospital would lose \$1.2 million, and Middlesboro Regional would lose \$1.7 million.

Rural hospitals across my State are struggling to survive with Medicaid funds. Right now these funds are being used for many preventive health care services that are critical.

Study after study has shown that if you can keep people healthy from the onset, you actually restrain the costs of health care.

Let us not be penny wise and pound foolish. The actions taken by my State of Kentucky were approved by HCFA back in 1985.

Just last year, this very concept was passed by the Congress and signed into law by the President. Simply stated, Congress intended States to develop their own strategies to cope with increased Federal mandates.

For the Federal Government to dictate to States how they may or may not raise revenues is simply not right.

Mr. Speaker, I sincerely hope that the Health Care Financing Administration will revise this rule before it does needless damage to the lives of millions of low-income Americans.

#### A CONGRESSIONAL SALUTE TO GEORGE GHIOTTO—1991 SENIOR OF THE YEAR

**HON. GLENN M. ANDERSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding individual whom I greatly admire, Mr. George Ghiotto. Mr. Ghiotto, in recognition of his enormous contributions to our community, has been chosen as the 1991 Senior of the Year by the Senior Care Action Network. This occasion affords me the opportunity to express my sincere gratitude for the work and services he has provided to senior citizens in the Lake-wood community.

George Ghiotto has reached a point in his life when the average person might slow down and enjoy retirement. George Ghiotto is not an average person. He continues to give freely of his time and energy to many community activities and organizations. His volunteer credentials include president-elect of the Westside Association, member of the board of directors Beach Charities, Special Olympics booster, member of the Committee of Betterment for Senior Citizens, and volunteering with the USO. In addition, George is a member of the American Legion, the Kiwanis for the senior center, and the Long Beach Central Area Association. George is also chairperson of the Senior Citizens Police Committee, vice-president for the Council of Seniors of Greater Long Beach, and chairperson of the Senior Center Advisory Council. He has served as president of the Gem and Mineral Society for

the past 3 years and has volunteered with the Long Beach Senior Services Fund Raising Committee and Senior Center Dance Committee. An avid gardener, George has conducted garden workshop classes for several organizations and participated in the 1990 arbor tree planting. Mr. Ghiotto has also instituted a gardening class for mentally impaired patients at Pacific Hospital. He is an active member of the Frail Elderly Task Force and Agencies and Programs on Aging [APA]. He has been instrumental in establishing the Adopt-a-Police-man Program, the Flag Day ceremony, and a monthly pet visitation hour at the senior center. George has also played a key role in the 1991 Blue Star Memorial event at the Veterans' Administration Hospital, the first memorial recognition for our veterans in Long Beach.

Mr. Ghiotto's dedication to his community is obvious and the value of his services enrich and touch all of our lives. I take great pride in joining with all those attending this special occasion in expressing the gratitude he so richly deserves.

My wife, Lee, joins me in extending this congressional salute to Mr. George Ghiotto. We wish him all the best in the years to come.

#### INTRODUCTION OF THE TOURISM POLICY AND EXPORT PRO- MOTION ACT

**HON. AL SWIFT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. SWIFT. Mr. Speaker, today I am introducing legislation to reauthorize the U.S. Travel and Tourism Administration [USTTA]. I ask unanimous consent to have 5 legislative days to revise and extend my remarks.

Travel and tourism related business is one of our country's most significant export products. Last year, approximately 39.8 million people visited the United States, an increase of 55 percent over the 1985 figure. Foreign visitors spent about \$52.8 billion in the United States in 1990, an increase of 240 percent over the level 5 years ago. Last year was the second consecutive year in which the United States had a tourism trade surplus; in fact, foreign visitors accounted for about 11 percent of the total spending on travel and tourism activities in the United States.

The travel and tourism industry is also one of the Nation's largest employers, providing jobs for approximately 8.5 million Americans. All of these statistics clearly show the importance of a healthy travel and tourism industry to our Nation's economic well-being.

As all of us know, however, there is much more to the United States than New York, Los Angeles, or Walt Disney World. In every State there are a host of cultural and recreational events that reveal the incredible depth and breadth of the American culture. For example, Washington State is home to the Makah Tribe, which has been actively developing tourism at its reservation. Mr. Don Johnson, Makah tribal chairman, testified at an October 3 hearing of the Subcommittee on Transportation and Hazardous Materials about their efforts to develop a number of cultural and tourism-related

projects. In addition to the Makahs, my district also proudly features the San Juan Islands, the Ross Lake tours, the North Cascade Highway, the Friday Harbor Whale Museum, the Whatcom County Ski-to-Sea Race, the Skagit Tulip Festival, a multitude of outdoor recreational opportunities—including the Olympic National Park—and the Elma Slug Festival.

Many of these lesser-known areas want to develop their tourism base, but lack either the financial or technical wherewithal to promote themselves effectively to foreign visitors. USTTA has the technical knowledge to assist these areas in developing effective tourism plans. Through its foreign contacts, USTTA can then serve as a conduit through which communities can get their promotional materials to foreign tour vendors.

This bill shares a number of common points with legislation introduced earlier this year by Senator ROCKEFELLER. Both the legislation sponsored by Senator ROCKEFELLER and my bill contain a number of initiatives developed by the travel and tourism industry in response to criticisms voiced about USTTA. One of these initiatives reorganizes the foreign offices by establishing three regional offices: One for Europe and Africa, one for Asia and the Pacific region, and one for the Americas. I believe that by concentrating its resources in these regional offices and maintaining smaller offices in individual countries, USTTA will have greater flexibility to focus its activities in those foreign countries where the need for USTTA involvement is the greatest.

Both bills also establish a Deputy Under Secretary for Travel and Tourism, who will be a career civil servant. This person will be responsible for USTTA's day-to-day operations, leaving the Under Secretary free to concentrate on Federal tourism policies and to work with the industry and his counterparts in other countries to develop tourism trade initiatives. In addition, my bill contains language setting up a series of demonstration projects designed to help areas with underutilized tourism potential develop tourism action plans.

The legislation also limits the amount of its annual budget that USTTA can put toward overhead expenses. Currently, estimates show that USTTA's overhead costs account for approximately 80 percent of its spending. By limiting the percentage of annual appropriations that can be used for overhead expenses, we can hopefully get the Agency to function more efficiently. Also, the money freed from overhead expenses can be put to better use in the Agency's generic marketing programs, and to help regions, States, and localities develop viable tourism development plans.

The subcommittee has scheduled a markup of pending legislation for later this month, at which I hope we can process this important bill. I look forward to working with my colleagues in this body, the Members of the other body, and all other interested parties to move this important reauthorization bill through the Congress.

MADAME C.J. WALKER'S ESTATE  
AS A NATIONAL HISTORIC SITE

HON. CARLIS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mrs. COLLINS of Illinois. Mr. Speaker, today I am introducing legislation instructing the National Park Service to do a study and report to Congress on the feasibility and appropriateness of designating Villa Lewaro, Madame C.J. Walker's Westchester County estate, as a national historic site and purchasing the property for use as an historic site. Though there are always scores of worthy competing projects, I believe this is truly a unique opportunity to reclaim one of black America's most important landmarks.

Villa Lewaro—designed by Vertner W. Tandy, the preeminent black architect of his day—was intended as a monument to the achievements of African-Americans when it was completed in 1918. Now, in 1991, we envision it as a monument to the entrepreneurial, philanthropic, activist spirit represented by Madame Walker, who is believed to be the first American woman of any race to make a million dollars on her own in business.

This legislation calls upon the National Park Service to conduct the study into the cultural and historical significance of Villa Lewaro and report to Congress on whether the property should be designated an historic site and be purchased by the National Park Service. The home is already a national historic landmark but is privately owned by a family who wishes to sell it as soon as possible.

Of the more than 50 historic sites maintained by the State of New York none represents the contributions of African-Americans. And though there are more than 80 black national historic landmarks, only a handful—including the homes of Frederick Douglass, Booker T. Washington, Maggie Lena Walker, Mary McLeod Bethune, and Martin Luther King, Jr.—are operated by the Department of the Interior.

Madame Walker planned her home as a gathering place for business and political leaders. Among the guests invited to the official opening during a weekend-long conference and party in August 1918 were James Weldon Johnson, W.E.B. DuBois, Moorfield Storey, A. Philip Randolph, Joel Spingarn, Maggie Lena Walker, and Arthur Schomburg. After the weekend, honoree Emmett Scott, Special Assistant to the Secretary of War in charge of Negro Affairs and former private secretary to Booker T. Washington, wrote to Madame Walker, "No such assemblage has ever gathered at the private home of any representative of our race, I am sure."

When Madame Walker died in 1919, the home was willed to her daughter, A'Leila Walker, with the understanding that upon her daughter's death it would be turned over to the NAACP. But when A'Leila Walker died in 1931, in the midst of the Depression, the upkeep and taxes were beyond the organization's means at that time. Consequently, the Walker estate was forced to sell the home at a disappointingly low price, turning over the proceeds to the NAACP.

Madame Walker's great-great granddaughter, A'Leila Bundles, just completed the first book-length biography of Madame Walker. This publication, geared toward the young adult market, was released in April 1991. Alex Haley, author of "Roots," is also working on a biography and miniseries scheduled to be completed in 1992.

Madame Walker has already been the subject of an hour-long PBS documentary, "Two Dollars and a Dream," and is featured in several Smithsonian Institute exhibits. As well, the Madame Walker Urban Life Center and Walker Theater in Indianapolis have been restored and are drawing national attention.

I am excited that there is an opportunity to reclaim this unique landmark and use it for the purposes Madame Walker originally intended, and urge my colleagues to join me in supporting this effort.

R ADAMS COWLEY, M.D.

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. LEHMAN of Florida. Mr. Speaker, it was with deep distress that I learned of the death on Sunday of R Adams Cowley.

Dr. Cowley was the founder of modern trauma medicine. He used his surgical skills and his powers of observation to identify the "golden hour," during which medical intervention is most likely to save victims of traumatic injury from death. He developed Maryland's internationally known shock-trauma system, which has served as a model for systems all over the Nation and the world. Finally, and no doubt most important to Adams, through his life's work, he has directly or indirectly saved thousands upon thousands of lives.

I came to know Adams Cowley through my work on highway safety, and he taught me everything I know about trauma. He was charming, knowledgeable, dedicated—and also very funny. I have lost a dear friend, and I know everyone in the highway safety community will miss him. I would like to extend Joan's and my deepest sympathy to Adams Cowley's widow, Roberta, and to his children, grandchildren, and great-grandchildren.

Mr. Speaker, I would like to share with my colleagues the release issued by the Maryland Institute for Emergency Medical Services Systems regarding Adams Cowley's death. I would urge my colleagues to read this account of the life and career of a very special man, whose accomplishments have made all our lives safer.

R ADAMS COWLEY, 74, DIES; PIONEER IN SHOCK-TRAUMA

R Adams Cowley, M.D., a pioneer in the treatment of victims of severe illness and injury and the father of modern trauma medicine, died of coronary failure at his home in Baltimore, MD, on Oct. 27. He was 74 years old. Cowley was the founder of the world renowned Shock Trauma Center that bears his name and founder of the State of Maryland's emergency medical system—the model for all others nationwide.

Known for his "get-things done" management style, Cowley, Professor of Thoracic

Surgery and Cardiovascular Surgery at the University of Maryland, School of Medicine, was internationally acclaimed for his research about the effects of shock, especially as it relates to the injured cell.

Governor of the State of Maryland, William Donald Schaefer, said of Cowley, "We have lost not only a great Marylander, but an international figure in emergency medicine. His dedication to establishing the nation's finest trauma center at the University of Maryland earned our state a reputation for medical response that is unparalleled in America," Schaefer said. "In doing so, he made Maryland—and the world—a safer place to live. Dr. Cowley was an inspiration as a healer, in his efforts to preserve lives. There are few people in the State of Maryland who have not been touched directly or indirectly by the Cowley model of care."

Cowley's contribution to emergency medical care began in 1961, when he set up a two-bed clinical research unit at University Hospital devoted to the study and care of shock and trauma victims. In less than 30 years, the two hospital beds grew into a statewide emergency medical system, which includes a 50 hospital network with 10 trauma centers, 450 ambulances, and extensive communications system and a fleet of Med-Evac helicopters. Cowley served as the leader and founder of Maryland's statewide EMS service until 1989.

Today, the R Adams Cowley Shock Trauma Center, a 138 bed, \$44 million, life-saving facility at the University of Maryland Hospital in downtown Baltimore, stands as testimony to his life's work and the thousands of lives that have been saved because of Cowley's dedication. The Maryland system of treating accident victims relies on the coordination of people, communications and equipment from the accident site to the hospital, in a fine-tuned life-saving network.

"This facility is a model for the nation and the world," said Louis Goldstein, Comptroller, State of Maryland. "We are thankful for his outstanding work and proud of his accomplishments."

Friend and professional associate of Cowley's, Jonathan E. Rhoads, M.D., board chairman of the American Trauma Society and professor of surgery, University of Pennsylvania, said, "He created the best shock trauma system of its time anywhere in the nation. He always took the position of saving those that others would think unsavable."

The University of Maryland at Baltimore President, Errol L. Reese said "Dr. Cowley was a unique leader in the truest sense, a man who has left an indelible mark on the health care systems of our state and nation. Through his drive and determination, he established the world's leading shock trauma program and built the facilities that are unmatched for shock trauma care anywhere, which has saved thousands of lives already and will save thousands more by serving as the model for other emergency medical centers to emulate."

"As someone who has known Dr. Cowley for more than 20 years, I have never known a more dedicated and hard-working individual," Dr. Reese said. "The campus extends our sympathy to the family and many friends of Dr. Cowley."

Cowley's rare vision brought him to realize that there was also the need for an information clearinghouse for research into trauma and analysis of health care related to trauma. In 1986, President Reagan, with a joint resolution of the 99th Congress, created The Charles McC. Mathias, Jr., National Study



Center for Trauma and Emergency Medical Systems. Cowley was director of the National Study Center, located in Baltimore, and special advisor to Governor Schaefer for Maryland until his death.

"Dr. Cowley revolutionized the care of people with severe trauma," said Morton I. Rapoport, M.D., President and Chief Executive Officer of the University of Maryland Medical System. "With his vision and determination, he built a trauma system in Maryland that became an internationally renowned model for trauma care."

Marvin Mandel, former Governor of the State of Maryland said, "I have never met an individual who was so totally dedicated. His determination made Maryland's shock trauma system a reality. Thousands of people here and throughout the country owe Dr. Cowley a debt of thanks."

A Utah native, Cowley trained in chest surgery at the University of Utah, the University of Michigan, and the University of Maryland, remaining at the latter after serving as Military Chief of Surgery for the Army in Mourmalon, France, and Munich, Germany, 1946-1947. A talented young surgeon, he was able to observe the 'old masters' of the time in Europe, coming to realize that many more lives were saved because of the speed with which these surgeons worked.

Because of his surgical skills and the speed of his scalpel, Cowley became one of a select few who first conducted open-heart surgery in the United States. A surgical clamp carries his name and a prototype of the electronic pacemaker created by Cowley was a constant companion to President Dwight D. Eisenhower.

Cowley was bothered by the fact that even though the surgery was perfect, patients would still die. Through extensive research, Cowley determined that the longer a patient's body was in shock, the larger were his chances of dying, due to poor oxygen flow to the brain and throughout the body.

In 1961, he began studying the problems relative to shock and trauma, realizing that people could be saved if helped within one hour, Cowley later coined the term known to emergency medical personnel as the famous, "golden hour." In the early 1970s, Cowley started transporting accident victims by helicopter so they could receive necessary care within the "golden hour." The genesis of Cowley's shock-trauma methodologies is chronicled in *Shocktrauma* (Franklin & Doelp, St. Martin's Press, 1980), in which Cowley said, "No one had ever set up a real system to take care of accident victims. They'd scrape you off the highway, put you in a hearse and take you to the closest hospital... they wouldn't be ready for you."

Trauma remains the leading cause of death in the United States for those between the ages of one and 44.

Cowley's relentless curiosity took him into emergency rooms where 'being ready' for accident victims became his obsession. He served with the committee which produced in 1966 the landmark paper "Accidental Death and Disability: The Neglected Disease of Modern Society," presented to the National Academy of Sciences, National Research Council. These findings focused on the critical state of emergency care and set the stage for the study of trauma care and emergency medical systems nationwide. Cowley was appointed to the prestigious Army Science Board and numerous other statewide and national boards.

Among his hundreds of publications are *Shock Trauma/Critical Care Handbook* (1986), *Trauma Care: Surgical Management* (1987) and

*Trauma Care: Medical Management* (1987). He was also instrumental in producing a variety of made-for-television programs and videos related to trauma, the most recent being the television version of the 1980 book, *Shocktrauma*.

He is survived by his wife, Roberta S. Cowley of Baltimore; an infant son, R Adams Cowley, II; a daughter, Kay Cowley Pace of Santa Cruz, Ca; three grandchildren and eleven great-grandchildren. His father was the late William Wallace Cowley, a pharmacist and founder of Kowley Drug Stores, and his mother was the late Alta-Louise Adams Cowley, a businesswoman, both of Layton, Utah. Dr. Cowley was an elder in the Church of Jesus Christ of Latter Day Saints (Mormon).

Funeral services will be held at 11 a.m. Monday, Nov. 4, at the Church of Jesus Christ of Latter Day Saints, 1400 Dulane Valley Rd. Viewing hours will be at the church, from 2 p.m. to 4 p.m. and 7 p.m. to 9 p.m. on Saturday, Nov. 2 and Sunday, Nov. 3. Burial will be at Arlington National Cemetery.

Donations can be made in Dr. Cowley's memory to the University of Maryland Foundation for the R Adams Cowley, M.D. Fellowship, which is a research fellowship at the National Study Center for Trauma/EMS.

#### ADDITIONAL MATERIAL

Because of the eminence of R Adams Cowley, a number of people have responded to Dr. Cowley's death, in addition to those who have been quoted in the attached obituary. Some of these quotations follow:

James P.G. Flynn, M.D., Director, Maryland Institute for Emergency Medical Services System (MIEMSS) said, "Dr. Cowley was undoubtedly one of the 20th century's visionaries in the field of medicine, from his research work at the bench, to clinical work, to public health issues, to the emergency medical system. In later years, his major interests move to rehabilitation, thus closing the loop of the individual who becomes a victim, then a patient, and then a productive member of society."

According to Joseph S. McLaughlin, M.D., Head of Thoracic Surgery at the University of Maryland at Baltimore, "Dr. Cowley was the prime force behind emergency medical systems in the United States and throughout the world. He was also one of the first, modern-day cardiac surgeons, establishing the first open heart surgery system at the University of Maryland and one of the first in the United States."

Congresswoman Helen Delich Bentley (R-MD) joined with fellow Marylanders in mourning the death of Dr. Cowley. "We are fortunate to have had a man like Dr. Cowley to lead Maryland into becoming the world's key center for shock trauma medicine. Maryland certainly could not have achieved this without Dr. Cowley, who gave his whole life to serve others. His innovative and practical ideas for treating victims of massive 'cell' shock spawned medical practices that have saved untold thousands of lives in both military and civilian sectors."

#### TO COMMEND SFC LAWRENCE V. McBEAN

#### HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. DE LUGO. Mr. Speaker, I rise to commend SFC Lawrence V. McBean a man who

has given more than 15 years of service to his country and who is being deservedly recognized for his distinguished performance during Operation Desert Storm.

Sergeant First Class McBean is currently the first sergeant of the 299th Medical Detachment Air Ambulance at Fort Drum, NY, the most senior enlisted member of the unit. He has received numerous awards in his military career: 3 Army Commendation Medals, 3 Army Achievement Medals, a National Defense Service Medal, and the Southwest Asia Medal for Service in the Persian Gulf.

I am very pleased to say that SFC Lawrence McBean is from my district, the island of St. Croix. He is a native son who has made his family, his friends, and his Delegate to Congress very proud.

The soldiers who have served our country, particular those who served in Operation Desert Storm, have given pride to their Nation for their brave and selfless task. They are men and women who were willing to sacrifice, even to make the ultimate sacrifice, on behalf of their country when called to serve.

I give my thanks to SFC Lawrence McBean for all he has done on behalf of the United States and the people of the Virgin Islands throughout his career as a soldier in the U.S. Army.

#### WORKING AMERICANS' IRA RELIEF ACT OF 1991

#### HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. WEISS. Mr. Speaker, today, I am introducing the Working Americans' IRA Relief Act of 1991, which would provide much-needed relief and financial flexibility to working Americans holding individual retirement accounts.

This legislation is needed for several reasons, not the least of which is the dire economic condition of this country. For the 16th consecutive month, the United States is in a recession. And for the third fiscal quarter in a row, there has been negative growth in the gross national product. As a result, there were about 8 million unemployed Americans in September or 6.7 percent of the population. New York City, which I represent, has been particularly hard hit with a 7.7-percent unemployment rate in September and over 100,000 city residents who have exhausted their unemployment benefits.

As the recession lingers, its effects are particularly onerous on working Americans. Not only are they threatened with unemployment, but they face higher medical, housing, and education expenses—higher essential living expenses. For instance, the cost of attending public universities in 1990 increased by 12 percent, the biggest increase since 1983. Average tuition and fees at 4-year private colleges is \$10,017 and at public colleges it is \$2,137.

Working Americans did not fare any better in the 1980's. There is good reason for calling the 1980's as the decade when the rich got richer and the poor got poorer. From 1977 to 1988, the average family income for four-fifths

of income filers shrank, while the richest one-fifth realized significant income gains. Working Americans are feeling pinched by both the economy and the Federal tax and budget policies of the last 10 years. By modifying IRA's, Congress could provide a helping hand.

Current IRA law makes no sense for working Americans. On the one hand, the Federal Government is asking workers to set aside their hard-earned money until retirement, but the Government also insists that the account holder not touch those savings—or else suffer severe penalties—until retirement age. This is an impossible feat for most working Americans, who have witnessed their incomes stagnate, if not decline, while the costs of vital living expenses increase. In addition, the Federal Government is asking Americans to make investments in their future through purchasing homes and attending college, but it doesn't give them the financial wherewithal to make those investments. It is little wonder that the number of tax returns showing IRA contributions dropped from 16.4 million in 1985 to 7.4 million in 1987, when the IRA eligibility rules were significantly tightened in the 1986 Tax Reform Act.

My bill would extend a helping hand to hard-working Americans with IRA's by making three important and progressive changes in current law governing IRA's. First, the Working Americans' IRA Relief Act would greatly expand the permissible uses of an IRA by permitting penalty-free early withdrawals for financially devastating illnesses, higher education costs, first-time home purchases and extended periods of unemployment.

Second, the bill would make IRA's a viable option for working Americans by making them flexible and financially attractive. My bill would expand who would be eligible for the full tax deductible contributions to IRA's. The adjusted gross income limits would be increased and indexed for inflation for each filing category: single filers, from \$25,000 to \$40,000; joint filers, from \$40,000 to \$60,000; and head of household filers, from \$50,000 to \$70,000. The amount of the maximum deductible contribution would be phased out over the next \$10,000. Any individual within these income categories could make a tax deductible contribution to an IRA, regardless of participation in an employee-sponsored retirement plan.

Finally, the bill would adjust for inflation the maximum allowable contribution, starting at \$2,000. The Congressional Research Service reports that had the \$2,000 limit been indexed back in 1981 it now would stand at \$2,876, which means that a nonindexed IRA plan is not as attractive a retirement option because purchasing power of the contribution diminishes over time.

I would point out that my proposal differs from the Bentsen-Pickle bill in two ways. First, it is more progressive than the Bentsen-Pickle bill by concentrating the tax benefits on lower and middle-income Americans, whereas the Bentsen-Pickle bill provide for both universal IRA deductibility and a back-loaded IRA. Second, although no cost analysis has been done, my bill differs in that the cost from lost revenue would not be as great as the \$12 billion price tag of the Bentsen-Pickle proposal because the benefits are more limited.

Both the Joint Tax Committee and Center on Budget Priorities have revealed that by pro-

viding universal deductibility for IRA's, as the Bentsen-Pickle bills do, the majority of tax benefits would accrue to the wealthiest in the country. As the center's report says: "Only one-fifth of all taxpayers have incomes exceeding \$50,000, but they would receive 95 percent of the tax benefits—from restoring IRA deductibility for taxpayers who lost it in the Tax Reform Act. This is as high as the percentage of the tax benefits that would go to the top fifth under a capital gains tax cut."

Working Americans need a break without Congress giving tax breaks to those who already benefited from Reaganomics. Congress can and must provide them with relief by giving them viable financial options, and the Working Americans' IRA Relief Act is one such option.

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CERTAIN DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS MAY BE MADE WITHOUT PENALTY.**

(a) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end thereof the following new subparagraph:

"(D) CERTAIN DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS.—

"(i) IN GENERAL.—The following distributions to an individual from an individual retirement plan:

"(I) FIRST-TIME HOMEBUYERS.—Any qualified first-time homebuyer distribution (as defined in paragraph (6)).

"(II) PERIODS OF UNEMPLOYMENT.—Any distribution made during a period of involuntary unemployment.

"(III) HIGHER EDUCATION EXPENSES AND CERTAIN MEDICAL EXPENSES.—Distributions (other than distributions described in subparagraph (A) or in subclause (I) or (II) of this clause) to the extent such distributions do not exceed the sum of the qualified higher education expenses (as defined in paragraph (8)) of the taxpayer for the taxable year and the qualified catastrophic illness expenses (as defined in paragraph (9)) of the taxpayer for the taxable year.

"(ii) DISTRIBUTIONS MAY BE INCREASED TO REFLECT TAX LIABILITY.—The amount of distributions to which subclause (I) or (II) of clause (i) (or so much of subclause (III) of clause (i) as relates to qualified higher education expenses) applies for any taxable year shall be increased by other distributions to the extent that the amount of such other distributions does not exceed the product of—

"(I) the amount to which such subclause would otherwise apply (without regard to this clause), multiplied by

"(II) the highest rate of tax applicable to the taxpayer under section 1."

(b) DEFINITIONS.—Section 72(t) of such Code is amended by adding at the end thereof the following new paragraphs:

"(6) QUALIFIED FIRST-TIME HOMEBUYER DISTRIBUTIONS.—

"(A) IN GENERAL.—For purposes of paragraph (2)(D), the term 'qualified first-time homebuyer distribution' means any payment or distribution received by a first-time homebuyer from an individual retirement plan to the extent such payment or distribution issued by the individual before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition cost with respect to a principal residence for such individual.

"(B) QUALIFIED ACQUISITION COSTS.—For purposes of this paragraph, the term 'qualified acquisition costs' means the cost of acquiring, constructing, or reconstructing the residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

"(C) FIRST-TIME HOMEBUYER; OTHER DEFINITIONS.—For purposes of this paragraph:

(i) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if such individual (and, if married, such individual's spouse) had no present ownership interest in a principal residence during the 2-year period ending on the date of acquisition of the principal residence to which this paragraph applies.

"(ii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

"(iii) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(I) on which a binding contract to acquire, construct, or reconstruct the principal residence is entered into, or

"(II) on which construction or reconstruction of the principal residence is commenced.

"(D) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If—

"(i) any amount is paid or distributed from an individual retirement plan to an individual for purposes of being used as provided in subparagraph (A); and

"(ii) by reason of delay in the acquisition of the residence, the requirements of subparagraph (A) cannot be met,

the amount so paid or distributed may be paid into an individual retirement plan as provided in section 408(d)(3)(A)(i) without regard to section 408(d)(3)(B), and, if so paid into another such plan, such amount shall not be taken into account in determining whether section 408(d)(3)(A)(i) applies to any other amount.

"(7) PERIOD OF INVOLUNTARY UNEMPLOYMENT.—

"(A) IN GENERAL.—For purposes of paragraph (2)(D), the term 'period of involuntary unemployment' means the consecutive period beginning on the 180th day after an individual becomes unemployed and ending with the date on which the individual begins any employment which would disqualify the individual from receiving unemployment compensation.

"(B) EMPLOYEE MAY RECONTRIBUTE AMOUNT WITHDRAWN.—For purposes of this title, if, during the 1-year period following the close of any period of involuntary unemployment, an employee makes 1 or more contributions to individual retirement plans in amounts not greater than amounts to which paragraph (2)(D)(i)(II) applied during the period of involuntary unemployment—

"(i) the employee may elect to treat such contributions (or any portion thereof) as recontributions of the amounts withdrawn,

"(ii) such contributions shall not be taken into account in determining any excess contributions of the taxpayer, and

"(iii) in the case of any deduction or exclusion with respect to contributions for which an election is made under clause (i)—

"(I) such deduction or exclusion shall only be allowed for contributions with respect to which the amount withdrawn was included in gross income, and

"(II) any limitation on the amount of such deduction or exclusion shall be increased by the amount of contributions described in subclause (I).

The Secretary may issue such regulations as may be necessary to carry out the provisions of this subparagraph, including additional



reporting requirements to ensure compliance with such provisions.

"(C) UNEMPLOYMENT COMPENSATION.—For purposes of this paragraph, the term 'unemployment compensation' has the meaning given such term by section 85(b).

"(B) QUALIFIED HIGHER EDUCATION EXPENSES.—

"(A) IN GENERAL.—For purposes of paragraph (2)(D), the term 'qualified higher education expenses' means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of—

"(i) the taxpayer,  
 "(ii) the taxpayer's spouse, or  
 "(iii) the taxpayer's child (as defined in section 151(c)(3)) or grandchild,  
 at an eligible educational institution (as defined in section 135(c)(3)).

"(B) COORDINATION WITH OTHER PROVISIONS.—

"(i) REIMBURSED EXPENSES.—No amount shall be treated as qualified higher education expenses if a scholarship or grant is received for such expenses or such expenses are otherwise reimbursed to the taxpayer.

"(ii) SAVINGS BONDS.—The amount of qualified higher education expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135.

"(9) QUALIFIED CATASTROPHIC ILLNESS EXPENSES.—

"(A) IN GENERAL.—For purposes of paragraph (2)(D), the term 'qualified catastrophic illness expenses' means the catastrophic medical expenses paid by the taxpayer during the taxable year, to the extent that the amount of such expenses exceed 7.5 percent of adjusted gross income.

"(B) CATASTROPHIC MEDICAL EXPENSES.—For purposes of subparagraph (A), the term 'catastrophic medical expenses' means the amount paid during the taxable year, not compensated for by insurance or otherwise, for medical care (as defined in section 213(d)) of—

"(i) The taxpayer,  
 "(ii) the taxpayer's spouse, or  
 "(iii) any dependent of the taxpayer with respect to whom the taxpayer is allowed a deduction under section 151,

if such medical care is required by reason of any disease or accident that caused hospitalization for more than 30 days."

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments and distributions after date of enactment of this Act in taxable years ending after such date.

## SEC. 2. MODIFICATIONS TO DEDUCTION FOR RETIREMENT SAVINGS.

"(a) INCREASE IN INCOME LIMITATIONS.—Subparagraph (B) of section 219(g)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) APPLICABLE DOLLAR AMOUNT.—The term 'applicable dollar amount' means—

"(i) \$70,000 in the case of a taxpayer filing a joint return or a surviving spouse (as defined in section 2(a)),

"(ii) \$60,000 in the case of a head of a household (as defined in section 2(b)),

"(iii) \$40,000 in the case of an individual who is not described in clause (i) or (ii) and who is not a married individual filing a separate return, and

"(iv) zero in the case of a married individual filing a separate return."

(b) INFLATION ADJUSTMENTS.—

(1) IN GENERAL.—Section 219 of such Code is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) COST-OF-LIVING ADJUSTMENTS.—

"(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1991 (1992 in the case of the dollar amounts referred to in paragraph (2)(E)), each dollar amount referred to in paragraph (2) shall be increased by the product of—

"(A) such dollar amount, multiplied by  
 "(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins determined—

"(i) by substituting 'calendar year 1990' for 'calendar year 1989' in subparagraph (B) thereof, or

"(ii) in the case of any dollar amount referred to in paragraph (2)(E), by substituting 'calendar year 1991' for 'calendar year 1989' in subparagraph (B) thereof.

"(2) DOLLAR AMOUNTS.—The dollar amounts referred to in this paragraph are—

"(A) the \$2,000 amount set forth in subsection (b)(1)(A),

"(B) the \$7,500 amount set forth in subsection (b)(3)(A),

"(C) the \$2,250 amount set forth in subsection (c)(2)(A)(i),

"(D) the \$2,200 amount set forth in the last sentence of subsection (c)(2), and

"(E) each dollar amount set forth in subsection (g)(3)(B).

"(3) ROUNDING.—If any increase determined under paragraph (1) is not a multiple of \$10, such increase shall be rounded to the nearest multiple of \$10."

(2) CONFORMING AMENDMENTS.—

(A) Section 408(a)(1) of such Code is amended by striking "in excess of \$2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the dollar amount in effect for such taxable year under section 219(b)(1)(A)".

(B) Section 408(b) of such Code is amended by striking "\$2,000" each place it appears and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(C) Section 408(j) of such Code is amended by striking "\$2,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

## ACTOR/HISTORIAN, ERIC SORG

### HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. IRELAND. Mr. Speaker, several years ago I had the opportunity to meet a young man named Eric Sorg. Eric, who resides in Laramie, WY, is an actor/historian who may be our Nation's foremost authority on William F. Cody. Cody, of course, is known to most Americans as simply "Buffalo Bill".

Eric Sorg has spent much of his adulthood studying everything that has been written about Buffalo Bill Cody. Eric also spent considerable time talking with Buffalo Bill's only surviving grandchild—Bill Cody, who operates a well-known dude ranch in Cody, WY. He has taken that knowledge and created a one-man theatrical presentation which he performs throughout this Nation and Canada as well. In 1988 he even made a special appearance in Dublin, Ireland for that city's millennium.

In the summer issue of "Persimmon Hill", which is the Journal of the National Cowboy Hall of Fame and Western Heritage Center,

there is a wonderful article on Eric and his life's mission. The article was written by M.J. Van Deventer. Ms. Deventer is the editor of the "Persimmon Hill". Mr. Speaker, I am proud to be able to place this fine article in the CONGRESSIONAL RECORD.

## AN AMERICAN ICON—BUFFALO BILL

(By M.J. Van Deventer)

How does a man like William F. Cody, with barely a grade school education and a penchant for flamboyance, become a trusted American icon and a legend of the American West?

Historian-actor Eric Sorg says the time was right in the late 1800s for "Buffalo Bill" Cody to become a symbol of the American West. The world was ready for a kind of hero that would let people escape the memories of the Civil War and live vicariously in the romantic, mythical world that Buffalo Bill personified.

Sorg, an actor with a master of arts degree in American studies from the University of Wyoming, resides in Laramie and travels the country portraying Buffalo Bill in a series of one-act dramas. He recently presented his views of this American hero in a dinner theater at the National Cowboy hall of Fame. Sorg portrays Cody with the same enthusiasm that Hal Hollbrook brings to the stage when he recreates the life of Mark Twain.

Buffalo Bill has captivated Sorg's interest since he first read the book *The Lives and Legends of Buffalo Bill*. He was so inspired by Cody's life that he wrote half of his master's thesis at the University of Wyoming about the man he called "my new-found hero."

Long after receiving his master's degree, and earning another degree in theater, Sorg was still fascinated by Cody and his cronies. "I think I was destined to portray Cody," Sorg says. "I like to act out stories in the realm of historical probability and I saw Cody's life and his philosophies as an opportunity for a performer to have a good time."

"A lot of people think Cody was a charlatan and a historical character of dubious value," Sorg says. "But I'm working to dispel the view that history has presented of Cody. To me, he is an archetype of the American West."

Sorg says Cody saw the West as virgin land where people could start life new and fresh. "Cody once said, 'I believe a man gets closer to God out there in the big free West. It gives him a chance to expand, to know himself, to think. In the great cities people don't stop to think. . . And I'll tell you another thing: a big city is the most lonesome place on earth. You pass thousands of people on the street, but you don't know 'em, and, what's more, you don't care a d. . . about knowing 'em. You feel differently about your fellow man out there in the West.'"

Sorg also sees Cody as a hero who helped heal the breach caused by the Civil War. "In Buffalo Bill, Southerners saw a rugged individualist, like themselves, who lived outside of the social mainstream, yet was essential to the growth of the country. The stage character Buffalo Bill came in from the seclusion of the wilds to fight corrupt Yankees. And this hero was not a crude sort but a chivalrous gentleman. Northerners identified with Cody's pragmatic nature and his appealing chivalry and also saw him as a character instrumental in the development of the West."

"Buffalo Bill, and the American West that Cody represented, embodied the ante-bellum ideals of the United States, ideals that appeared to be lost as the cynical post-Civil War nation searched for its identity and

worked to create a unified nation," Sorg says. "At that time in history, the West was a melting pot of American values. There was no stigma of being Yankee or Southern. Cody was the right person at the right time to help heal the national wounds and he knew it."

Sorg notes that "Long before the Civil War, James Fenimore Cooper wrote about a leatherstocking, an individual who came in from the forest to help civilization develop the wilderness and then retreated to the remote vastness of the wilds. This American literary figure had historic representatives the public could look up to such as Daniel Boone, Kit Carson and Davy Crockett. After the Civil War, Buffalo Bill joined their ranks as another leatherstocking and blended historical fact with historical myth."

By the time Cody began performing in the theater in the 1870s, he was already famous. For half a decade newspapers had written accounts of Cody's exploits as a buffalo hunter, scout for the military, winner of a Congressional Medal of Honor, hunting guide for such notables as General Philip Sheridan, James Gordon Bennett, and Grand Duke Alexis of Russia. (See related story in this issue.)

He was known as a friend to Sitting Bull, General George Armstrong Custer and "Wild Bill" Hickok. Train stations had mounted buffalo heads in them shot by Buffalo Bill, and he was even renowned as a character on the New York stage.

Changes in the American theater in the 1870s also helped make Cody an acceptable icon, Sorg explains. "The theater was undergoing a change from a lewd, bawdy house of low-humored entertainment where prostitutes would congregate on the top balcony to a place where families could be entertained. Many of the new family entertainments did not offer great literary value, but they gave the public a wholesome evening's escape from reality."

"The stage machinery of the Gilded Age rivaled the Elizabethan stage for its realism. Cody strode into this world of reality and fantasy, a real hero who saw the opportunity to make money in a world of fantasy."

Cody used his hero status to attract his theater audiences, and he held them and made them return with his winning ways. He would hold impromptu curtain speeches with the audience, pull the legs of critics, use his spectacular rifle skill to shoot coins out of audience members' fingers, lasso villains and reinforce his public persona as Buffalo Bill. He once noted, "I didn't try to act . . . I did what I used to do on the plains."

The dramas written for Buffalo Bill were looked upon by many unsophisticated audience members as actual history. Cody played on this ambiguity, caused by a mixture of reality and myth, which contributed to the public's confusion. He sometimes even wandered the streets of major cities in his buckskins armed for combat. During the 1876 Indian war Cody wore a stage costume into battle and then had a script written for him about this battle for the winter acting season.

Sorg admits Cody's antics on and off stage and the material written about him often caused confusion among his public. "More novels were written about Buffalo Bill than any other Western figure. Cody added to the pulp mill by writing autobiographies as well as dime novels. In order to make money for his investments he signed his name to many works that were bad histories but good publicity."

Cody eventually outgrew the confines of the theatre stage and wanted, more than

anything, to bring the American West to the world. He believed, "one cannot transport the prairie to the boarded stage and keep within the mileage limits." It was these feelings, and his ability to spot a good investment, that prompted him to open "Buffalo Bill's Wild West" in 1883.

To him, it was not a "show" but an educational extravaganza that capitalized on country's growing interest in education. In fact, Cody never used the word "show" to describe his Wild West venture. He once even fought a lawsuit in St. Louis over the classification of "Buffalo Bill's Wild West." The authenticity of the exhibition was attested to by such figures as Samuel Clemens, Elizabeth Custer, Philip Sheridan and Eugene Carr.

An editorial in the May 24, 1898 issue of The Stamford Telegram praised Cody for becoming "an educator in one of the most interesting and least familiar fields of human experience."

Because the American West was such an unknown to much of the world, "Buffalo Bill's Wild West" was often the first place where the public health learned about this unique aspect of America.

In its thirty years of operation, "Buffalo Bill's Wild West" was performed before an estimated 70 million people. And at its peak, the exhibition featured 186 horses, 25 mustangs, 20 buffalo, and 640 people including 115 Indians with squaws and papooses, 48 cowboys, and half a dozen women who could ride and shoot, including Annie Oakley.

"At that time in history, the 1890 census report revealed that one-third of the people living in the United States were first or second generation Americans," Sorg notes. "They didn't have to speak English to learn the American values presented in Buffalo Bill's Wild West. The spectacle did the teaching. It was a way to acculturate the immigrants into American society."

"Buffalo Bill's Wild West" was much like a modern rodeo with scenes from the mythic West codified. In these scenes the hero, who was often Buffalo Bill, arrived in the nick of time to always triumph over evil," Sorg says.

The millions of people who saw "Buffalo Bill's Wild West" found it easy to identify the United States with Buffalo Bill. From the newspaper clippings that Cody kept, and the proliferation of pulp Westerns and the Wild West format during and after Cody's lifetime, it would appear that, for a while, Americans felt comfortable with that identification.

Why was he such a legitimate, acceptable hero? Sorg believes it's because he was the embodiment of a leatherstocking who helped to lead America to a unified nation while reaffirming the mythic ideals of individuality. Those lessons, played out in the arena of the "Wild West," taught citizens, emigrants, and the rest of the world what America, and especially the American West, represented.

In 1909 a newspaper columnist wrote that "even to-day [sic] affection for Abraham Lincoln, Ulysses S. Grant and Robert E. Lee has its sectional limitations; that for William Frederick Cody knows no boundaries."

Sorg says it is unfortunate that at the end of his life, Cody's generosity found him bankrupt and more than \$150,000 in debt even though he had made millions of dollars and helped fund a number of charitable causes. "Bitterness crept in at the end of his life. He wondered where all the people were that he had helped so much," Sorg notes. "I find it sad that William F. Cody had lived with the world at his feet but he died with it on his shoulders."

## HOLD ASSAD TO ACCOUNT

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. FEIGHAN. Mr. Speaker, last August when Saddam Hussein's tanks rolled into Kuwait City, President Bush responded by saying that this illegal aggression will not stand. Two months later when Hafiz Assad's troops attacked Beirut and consolidated Syria's hold on the nation of Lebanon, the administration was not only silent, it welcome Syria into the anti-Iraq coalition.

Why does the administration condemn a brutal, aggressive dictator in Iraq, while codding a more calculating and murderous dictator in Syria? It is the same misguided belief that constructive engagement can somehow induce miraculous conversions in these renegade regimes. But, it didn't work with Saddam Hussein. It will not work with Hafiz Assad.

The administration refuses to learn this lesson. Instead, it is busy repeating the same mistakes it made with Iraq. The administration has refused to confront Syria across of an array of policy concerns—whether its Syria's absorption of Lebanon; or its continued sponsorship of terrorism; or its ongoing complicity in the drug trade in and out of Syrian-controlled Lebanon; or its appalling human rights record.

We should hold Assad to account. That's the message in an article written by our colleague, Representative LARRY SMITH of Florida, which recently appeared in the Atlanta Journal-Constitution. Mr. SMITH warns of the danger of the administration's course and posits a possible alternative policy. If Syria is to be a player in the peace process, its intentions should be tested.

A copy of the article follows:

[From the Atlantic Journal-Constitution, Oct. 17, 1991]

HOLD ASSAD TO ACCOUNT

(By Lawrence J. Smith)

WASHINGTON.—When it comes to the Middle East, President Bush understands the uses of anger. When Israel requested loan guarantees that he was not prepared to give, Mr. Bush inveighed against "powerful political forces" that supposedly were challenging him for control of foreign policy.

When Saddam Hussein refused to allow U.N. helicopters to overfly his territory, and when the Iraqi dictator tried to cover up his nuclear program, the president made his anger known before the U.N. General Assembly.

So why is Mr. Bush being silent about Syria's annexation of Lebanon? Why has the silence gone on for so long?

A year ago, Syria took control of Beirut. Preoccupied with Saddam Hussein, the West chose not to criticize Syria's president, Hafez Assad, even when his men rounded up hundreds of Lebanese Christians, forced them to their knees and shot them dead.

In May, Syria imposed a one-sided "Treaty of Brotherhood, Cooperation and Coordination" on Lebanon. In mid-September, with Syrian tanks nearby, the Lebanese parliament approved the treaty. Again, Mr. Bush said nothing.

The treaty gives Syria veto power over Lebanon's foreign policy, its economy and



its security. Syrian troops will remain in Lebanon indefinitely. Amazingly, America has even given the treaty a guarded endorsement.

Mr. Bush appears to be operating under the assumption that if he challenges Syria's aggression in Lebanon, he risks losing Mr. Assad as a participant in the Mideast peace conference. But Mr. Assad differs from Saddam only in style, not substance, and the refusal to challenge him will only reinforce his belief that he can yet conquer his neighbors.

Syria has never recognized the independence of Lebanon; it claims the country as part of "Greater Syria." Syria entered the Lebanese civil war 15 years ago with two goals: to incorporate Lebanon into its domain, and to use Lebanon as a second attack route against Israel. Mr. Assad has never wavered from these objectives, and the treaty provides him the means to consummate his aggression.

Since the Gulf War, the Syrians have gone on an arms-buying frenzy. This speaks volumes about Mr. Assad's true intentions, yet the administration has had little to say about it.

Backed by billions of dollars from Saudi Arabia and the Persian Gulf sheikdoms, the Syrians have purchased 100 to 150 Scud-C missiles and 24 to 48 missile launchers from North Korea.

Syria's new rockets have a range of 375 miles to 400 miles, twice the range of Iraq's Scuds.

Syria also is buying a similar missile from the Chinese. It is completing a deal with Czechoslovakia for about 300 T-72 tanks. The Syrians are also trying to obtain T-72s, MiG-29s, and Su-24 fighter-bombers from the Soviet military.

The refusal of the United States to challenge Syria's political and military policies will inevitably encourage adventurism: against Lebanon, against Israel, against Jordan, against Turkey, even against the United States. The administration just reopened the military-aid pipeline to Jordan, yet the only country that threatens Jordan is Syria.

Why are we cultivating a militarist such as Mr. Assad while helping his neighbors prepare for his inevitable aggression? This approach is not merely illogical; it sends a message of weakness, and therefore is dangerous.

By refusing to challenge Mr. Assad, we undermine our own diplomacy. If settlements in the West Bank are an obstacle to peace, is not Syria's headlong rush for weapons or its annexation of Lebanon infinitely greater threats? If we expect to ask Israel to trust Syrian intentions in the Golan Heights, should we not test those intentions first in Lebanon?

Lebanon and Israel negotiated a serviceable treaty in 1983. This would have been the second peace agreement between Israel and an Arab neighbor, and it would have changed the entire dynamic of Arab-Israeli relations.

Syria was kept apprised of the negotiations, but when the treaty neared completion, Mr. Assad killed it.

To test Mr. Assad's intentions toward Israel, the United States should try to revive the treaty. If Mr. Assad will not countenance normalization between Israel and Lebanon, then he certainly will not tolerate it on his own borders.

The U.S. Congress is now unaware of what is happening in Lebanon. But each time it has looked to the White House for guidance, it has received no response. As the acknowledged leader of America's foreign policy in the Middle East, Mr. Bush must take the lead.

## VERMONT STREET TAKES A BITE OUT OF CRIME

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. TOWNS. Mr. Speaker, I salute the collective community efforts of the residents of Vermont Street in the Cypress Hills neighborhood in Brooklyn, especially those of Mr. Joseph Licari. Mr. Licari and his wife were recent victims of a cat burglar who had been victimizing other members of that Brooklyn community. When neighbors heard the cries for help from Mr. Licari and his wife, young and old people rallied to his aid. In a time when there is so much ethnic, racial, and class strife, it is heartwarming to hear that these Brooklyn citizens did more than their fair share to fight crime and promote community harmony. Vermont Street knows how to "take a bite out of crime".

### POLICE CHIEF DAVID THOMPSON

### HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. MOORHEAD. Mr. Speaker, I rise today to talk about a cop.

I know it's been fashionable recently to bash the police, but I am here to pay tribute to a man who has devoted his life to law enforcement. It's been a 35-year career that has not only been commendable and beyond reproach, but one that epitomizes the true essence of public service.

Glendale Police Chief David Thompson has decided to turn in his badge and hang up his pistol.

When Dave joined the Glendale Police Department in 1956, as a rookie police officer, I was a young and struggling attorney in my hometown of Glendale. Over the years, since those early days, I have become a big admirer of Chief Thompson.

David Thompson was born in Wales and came to America when he was 16. He became a U.S. citizen in 1952 and later served his new country in the U.S. Air Force.

After the service, Dave earned his bachelor's degree in public administration from California State University, Los Angeles, and later received his juris doctorate from Glendale College of Law.

When David Thompson became a Glendale Police Officer in 1956, he was 1 of 160 employees that operated within a budget of \$1.1 million.

Now, Glendale is the third largest city in Los Angeles County, with a population well over 180,000. As chief of police, Dave Thompson is responsible for more than 300 employees and an annual budget of \$24 million.

In addition to his police duties, Chief Thompson is an active member of the community. The organizations with which he is involved are too numerous to list completely, but I can mention a few. They include: Glendale Kiwanis, Montrose-Verdugo City Chamber of

Commerce, Red Cross Board of Directors, Civic Advisory Board, executive board of the Los Angeles County Peace Officers Association, and Glendale Adventist Medical Center.

In 1984, the chief was named "Man of the Year" by the Montrose Shopping Park Association and received a similar honor by the Glendale Board of Realtors in 1987.

Dave also received the Law Enforcement Commendation Medal, in 1988, by the Sons of the American Revolution and, in 1990, was awarded the John Anson Ford Award for outstanding service in the field of human relations.

The chief has done all of this with the support of a very special woman; his wife, Jackie. Dave and Jackie have two daughters, one granddaughter, and one grandson.

Finally, I would like to point to the dedication Chief Thompson has shown, even as he headed into his last few months on the job.

Glendale is not the same town it was 35 years ago. One of the most noticeable changes, other than population and construction booms, has been the city's cultural diversity. This diversity has allowed many citizens to broaden their experiences with different people.

The multicultural flavor of Glendale has put new demands on the police department. Chief Thompson has handled these changes with skill and sensitivity. He has met countless times with leaders from various segments of the community, to help keep Glendale as a place where everyone works together for the welfare of all.

Dave has been a visionary when it came to law enforcement and to community relations. He will be greatly missed in Glendale. I wish him and Jackie the best in the years ahead. They have earned it.

### RECOGNIZING THE FOOTHILLS WELLNESS CENTER AND DAN HYLTON, FOOTHILLS MANAGER OF GOLF

### HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. SCHAEFER. Mr. Speaker, for many Americans recreational activities are an important part of relieving day-to-day stress and maintaining physical fitness. The Foothills Recreation and Park District, located in the western suburbs of Denver, has been a proven leader in providing a wide variety of recreation and leisure activities to the residents of Colorado's Sixth Congressional District.

Foothills has always been a source of great pride for my constituents, providing recreational opportunities at over 60 facilities throughout the district. Thousands of residents take advantage of swimming, golf, tennis, basketball, theater, and a myriad of other sporting and educational activities the District sponsors every year.

One of the most unique programs offered by Foothills is the Community Wellness Program. This forward-thinking approach focuses on the total health of people: lifestyle choices; physical fitness; and mental well-being. The pro-

gram and its founder, Mr. George Kroening, have been nationally recognized for their excellent and unique approach to physical and mental fitness.

Programs such as the Community Wellness Program do not turn into successes overnight. It takes hard work by dedicated individuals. One of these is Mr. Dan Hylton. Dan is the manager of golf for Foothills, and recently put together a golf tournament to accomplish two goals: To focus attention on the work and opportunities at the Wellness Center and to attract additional financial support for the Wellness Center's operations. As one who participated, I can report that the tournament was a tremendous success on both counts. Dan can take a great deal of pride and satisfaction from the positive reaction both the golf tournament and the Wellness Center have received.

It is the efforts of people like Dan Hylton that keep our Nation's communities vibrant and alive. I commend Dan and the rest of the Foothills Recreation District for helping make the Community Wellness Program a resounding success.

TRIBUTE TO SISTER CITIES;  
BELLEVILLE, IL, AND  
PADERBORN, GERMANY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to the city of Belleville, IL, and its sister city of Paderborn, Germany.

Civic leaders and public officials in my hometown of Belleville recently signed a joint pact with Paderborn to establish cultural exchanges and other mutually beneficial relationships. This agreement was promoted by the mayor of Belleville, Rich Brauer, and his wife, Dottie.

I had the opportunity to meet with 46 residents of Paderborn who visited the U.S. House of Representatives in Washington, DC recently. These citizens had the occasion to admire our Nation's Capitol and our American democratic process at work. It was a very enjoyable opportunity for me to personally escort our sister city residents around this beautiful monument and symbol of our Federal Government.

It is my belief that this sister city agreement will be of tremendous benefit to both cities. Now that I have met residents of our sister city and have a better perspective on the city of Paderborn, I want to extend my hand of friendship to them in the years to come on their future visits to America.

HOUSE RESOLUTION 263—SUPPORT  
BURMESE NOBEL PEACE PRIZE  
WINNER

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. GILMAN. Mr. Speaker, today I am introducing House Resolution 263, for myself and

for my colleagues Representatives ACKERMAN, BROOMFIELD, LANTOS, LAGOMARSINO, PELOSI, and ROHRBACHER a resolution regarding the sale of military equipment to Burma by the People's Republic of China.

The military government of Burma, the so-called State Law and Order Restoration Council [SLORC], has distinguished itself in history for being one of the most ruthless dictatorships that has ever existed. Thousands of Burmese citizens are regularly swept up in the streets into months and sometimes years of forced portering for the military. A large number of them are shot or left for dead if they fall ill or complain. Many times their relatives are totally unaware of their fate.

Those in charge of SLORC have sentenced at least 50 democratically elected members of the National Assembly to prison terms. The winner of the Nobel Peace Prize for 1991, National League for Democracy [NLD] leader Daw Aung San Suu Kyi, has been held incommunicado under house arrest since July 1989. She probably does not even know that she won the prize.

The rulers of SLORC have much at stake in their hold on the assets and the people of Burma. The personal enrichment of its rulers through the sale of Burma's teak to members of the Thai military is well known. Funds acquired through the environmental ravaging of the rain forest support armies that protect drug lords who are responsible for the vast majority of the illicit opium produced in the world.

Unfortunately, it appears appropriate that the source of the military equipment that the Burmese rulers use to ruthlessly suppress their own people is from the totalitarian Communist regime that runs the People's Republic of China. Who else but those who brought us the Tiananmen Square massacre would openly embrace SLORC with over a billion dollars' worth of tanks, jet fighters, rocket launchers, assault rifles, armored personnel carriers, patrol boats, and anti-aircraft guns? The dictatorship in Beijing enslaves its own prodemocracy supporters, sells missiles to any Middle East tyrant that wants them, supports marxist rebels in democratic India, nurtures the despicable Khmer Rouge, brutally occupies Tibet, and threatens Mongolia, Nepal, and Taiwan. So it seems to make sense that they would arm the thugs ruling Burma.

Mr. Speaker, House Resolution 263, urges the Chinese to join us and the European Community in our arms embargo of Burma. It also urges the President to let the Chinese know that their continued support for SLORC will be a factor in the consideration by the administration in its extension of most favor nation to the People's Republic of China. House Resolution 263 also urges the President to instruct the Secretary of State to let the rulers in Beijing know that we do not approve of their behavior.

Accordingly, I urge my colleagues to support House Resolution 263 and I insert the full text of the resolution at this point in the RECORD:

H. RES. 263

Whereas the military government of Burma, the so-called State Law and Order Restoration Council [SLORC], has refused to implement the results of the May 1990 elections, won overwhelmingly by the opposition National League for Democracy [NLD], and return the country to civilian rule;

Whereas the Government of Burma has systematically suppressed the domestic po-

litical opposition, subjecting members and supporters of the NLD to widespread arrest and interrogation, sentencing at least 50 elected members of the National Assembly to prison terms;

Whereas the winner of the Nobel Peace Prize for 1991, NLD leader Daw Aung San Suu Kyi, has been held incommunicado under house arrest since July 1989;

Whereas there is no freedom of speech or freedom of the press in Burma;

Whereas Burma remains under martial law, and independent human rights organizations, the United Nations Human Rights Commission, the United States Department of State, and others have documented widespread and continuing human rights violations including arrests of monks, torture, ill-treatment and deaths in custody, arbitrary arrests, disappearances, compulsory labor such as forced portering for the military, and unfair trials before military tribunals of politicians, students, and others exercising their basic rights to freedom of expression, association, and assembly;

Whereas the United States Government has condemned Burma's human rights practices and called for a return to democratic, civilian rule;

Whereas the Burmese military has shown little interest in the suppression of narcotics trafficking and production, and has ceased efforts made before 1988 to eradicate opium crops, and the United States Government has not been able to certify Burma as cooperating in narcotics control;

Whereas the United States has blocked the sale of American military equipment to Burma and imposed economic sanctions against Burma as required by section 138 of the Customs and Trade Act of 1990;

Whereas in July 1991, the European Community announced a total arms embargo on Burma;

Whereas the military Government of Burma continues to rely on the People's Republic of China as its major source of military equipment and arms, and support from the People's Republic of China is crucial to SLORC's survival;

Whereas the Chairman of SLORC, General Saw Maung, made an official visit to Beijing in August 1991, followed by an agreement by China to grant SLORC a \$9,300,000 interest-free loan and sell additional arms to Burma;

Whereas China is providing Burma with tanks, jet fighters, rocket launchers, assault rifles, armored personnel carriers, patrol boats, anti-aircraft guns and other arms with the total value of military supplies estimated by the United States Department of State to be approximately \$1,300,000,000; and

Whereas China is a major trading partner with Burma and has refused to impose economic sanctions against SLORC: Now, therefore be it

Resolved, That the House of Representatives—

(1) urges the Government of the People's Republic of China to cancel all arms deals with the Government of Burma until such time as all political prisoners are unconditionally released (including Daw Aung San Suu Kyi), martial law is lifted, and the results of the May 1990 elections are fully implemented;

(2) urges the President to instruct the Secretary of State to privately and publicly call for an end to China's military sales and economic support to Burma as a matter of urgent United States concern during any visit by the Secretary to Beijing or in other high-level contacts with representatives of the People's Republic of China; and



(3) urges the President to instruct the Secretary of State to advise the Government of China that its continued support for SLORC will be a factor in the consideration by the Administration of extension of nondiscriminatory (most favored nation) trading status for China in 1992.

#### CARL L. STACEY HONORED

#### HON. DOUGLAS APPLIGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. APPLIGATE. Mr. Speaker, I rise today to recognize one of Ohio's most outstanding public servants. On October 31, 1991, Mr. Carl L. Stacey will step down after 33 years of dedicated service to the citizens of Columbiana County.

Mr. Stacey was first elected to the office of Clerk of Common Pleas Court on November 14, 1958. Since that time he has served nine consecutive terms, making him the longest serving office holder in the history of Columbiana County. As clerk, Stacey spends much time running his office which is responsible for processing the paperwork involved in lawsuits and vehicle registration.

An active member of the State association of county clerks, serving as chairman in 1983, he fought hard for changes that would make his office more efficient and effective. He played a key role in the State decision to allow individual counties to earn interest on the investment of money collected by the clerk. In recent years this has resulted in an additional \$40,000-\$60,000 for Columbiana County.

Mr. Stacey is a veteran of World War II, a loving husband, father and grandfather. Mr. Speaker, it is my distinct privilege and honor to ask my colleagues to join with me in acclamation of Mr. Carl Stacey, an exceptional public servant as well as a great man.

#### KEEP HOMELESSNESS AT THE TOP OF THE AGENDA

#### HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. CAMPBELL of California. Mr. Speaker, homelessness and poverty are tragic problems that continue to vex all Americans of compassion and conscience. Congress has worked hard to combat these problems—indeed, we have just passed a new housing bill which reaffirms commitments and embraces new ideas. Yet, the sad truth is that homelessness problems will not soon disappear.

To keep the issues of homelessness and poverty at the forefront of Congress' agenda, Representative Kweisi MFUME and I have formed the congressional homelessness task force, and let me take this opportunity to urge my colleagues who have not joined the task force to do so. The task force seeks to create innovative, bipartisan legislative proposals that, if enacted, would enlist and inspire good-willed people at the grassroots to come forward and help alleviate the dreadful problems

of homelessness and poverty in the United States.

Our focus will be on the simple steps that could be taken—not necessarily the programs heavy in cost or government structure. For example, easing liability laws to encourage grocery stores and restaurants to donate wholesome food could do much good for many homeless, at no cost to the taxpayer.

Mr. Speaker, the task force is not meant to compete with the Housing Committee, but to serve as a forum to keep issues of homelessness as an urgent priority, drawing on the experience and imagination of Members of various expertise. With the broad participation of Congress, task force initiatives could be attached to bills originating from many committees.

Today, we are proud to introduce our first two pieces of legislation. The first is a bill to encourage the Governors to open certain National Guard armories for use as temporary homeless shelters. Current law states that the Secretary of a military department may make military installations under his jurisdiction available for temporary shelter for the homeless. This bill gives incentives to Governors to make use of this option by giving additional consideration for McKinney Act homelessness funds to those States that make use of National Guard armories for homeless shelters.

The idea for this bill comes from the success California has had using National Guard armories for temporary shelter. Last year, California provided 335,000 shelter nights for the homeless in over 40 military installations, and the State plans to continue the program. Mr. Speaker, we should not mistake this approach for a permanent solution to the homeless crisis. We should recognize it for what it is—a concrete step toward alleviating the suffering of the homeless population.

Our second bill encourages the States to enact good samaritan laws for health care providers. The District of Columbia has pioneered a bill in this regard for obstetricians. If we could reduce the fear of lawsuits, more doctors and healthcare workers would likely come forward and donate their time and care to the homeless and needy. Our bill will offer priority for HHS grants and McKinney funds to those States that implement such good samaritan laws.

Mr. Speaker, here are two straightforward measures that can alleviate the needs of the homeless. I urge my colleagues to keep homelessness at the top of the agenda, and to cosponsor these bills.

#### SALUTE TO HARVEY GANDEL

#### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. GALLEGLY. Mr. Speaker, I rise today to honor an outstanding realtor for his contributions as president of the Simi Valley-Moorpark Association of Realtors.

Harvey Gandel has been a leading realtor in Simi Valley for 14 years, when he began his career in real estate. In 1979, Harvey became a licensed broker and started his own office, Harvey Gandel Realtors.

He has served as a director of the Simi Valley-Moorpark Association for the past 10 years. In addition, he has served as treasurer and first vice president, as well as a member of several committees. He also has served on several State association committees during the past 5 years, and earned the coveted award of Realtor of the Year in 1986.

During his term as president, Harvey has achieved many accomplishments, including completing additional office space and the Realtor Service Center at the association office; establishing the past president's committee; and the revision and approval of the association bylaws.

Mr. Speaker, Harvey's fellow realtors will honor him at the association's annual installation dinner this Saturday. I ask my colleagues to join me in saluting him for a job well done.

#### AVILA COLLEGE—75 YEARS OF EDUCATIONAL EXCELLENCE

#### HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. WHEAT. Mr. Speaker, I am proud to bring to the attention of my colleagues the 75th anniversary of Avila College, a distinguished institution of higher learning in Kansas City, MO. To mark its 75th anniversary year, Avila has scheduled a year-long series of exciting activities that celebrate the achievements of the past and look forward to the challenges of the future.

Founded in 1916 by the Sisters of Saint Joseph of Carondelet, Avila College is a 4-year, Catholic college with a long tradition of academic excellence and service to our community. From its origins 75 years ago as a school for young women, Avila has blossomed into a full-scale, coeducational liberal arts college widely recognized for its programs in nursing, education, and business.

A small jewel of a campus set in a peaceful residential neighborhood of Kansas City, Avila offers an intimate and contemplative learning environment. At Avila, a student is given individual attention and made to feel like a person, not just a number.

The residents of the Fifth District of Missouri are fortunate indeed to have Avila College as a neighbor. Nearly 1,500 students choose Avila for their education every year, and more than two-thirds of its graduates remain in the community to put their education to work in jobs in health care, business, education, mental health, the arts, and social services.

The students of Avila uphold the college's strong mission of service to the community by helping to feed the homeless, repairing and winterizing homes for the elderly, and providing assistance to needy families in other regions of the United States and the Dominican Republic.

Avila has consistently shown itself to be a leader among academic institutions in the region by offering the metropolitan area's first baccalaureate degree in nursing, the first weekend college, and the first programs in public administration, women's studies, and gerontology.

Mr. Speaker, I had the honor of delivering the commencement address to Avila's Class of 1988 and it is a pleasure to know that hundreds of the proud graduates I saw in the audience that day are now making their own contributions to the economic and social life of our community.

Today, I am pleased to congratulate Avila's president, Dr. Larry Kramer, and the entire Avila community on 75 years of academic excellence. On behalf of the Fifth District of Missouri, I am proud to salute Avila College, an outstanding training ground for tomorrow's leaders.

**TURKEY IS WELL SUITED FOR A  
STRATEGIC PARTNERSHIP**

**HON. GREG LAUGHLIN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. LAUGHLIN. Mr. Speaker, of the over 40 countries in the world with predominantly Muslim population, only one is a flourishing democracy where free and fair elections serve as a means of transferring power from one administration to another. This country joined the NATO Alliance in 1952 and has proven a reliable and valuable partner through the cold war, the Korean conflict, and most recently, the gulf war.

Mr. Speaker, that country is the Republic of Turkey. Democracy was reaffirmed in Turkey on October 20 when voters went to the polls to select 450 members of the Grand National Assembly, or parliament, for the next 5 years. The elections were fair, well-supervised by the judiciary's supreme election council, and without incident.

The Turkish constitution provides for legislative, executive, and judicial branches of government. Legislative power is vested in the Turkish Grand National Assembly, or parliament.

Months of active campaigning, involving six major political parties, preceded the recent elections in Turkey. The country was buzzing with campaign jingles and election excitement. Over 80 percent of the eligible Turks, exercising their constitutional rights, voted for the candidate of their choice.

Our President visited Turkey last July, the first to do so since President Eisenhower. During his visit, leaders of the two countries discussed the promising possibilities of a new strategic partnership. Indeed, given its strong democratic institutions and traditions, its strategic location between the Middle East and Southern Europe, and its unique and flourishing democracy, Turkey is well suited for such a partnership.

**FRANCES AND BERYL WEINSTEIN  
AWARDED THE PRESTIGIOUS  
TORCH OF LEARNING AWARD**

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Ms. DeLAURO. Mr. Speaker, it is with great pleasure that I rise today to recognize the re-

cipients of the Torch of Learning Award: Frances and Beryl Weinstein.

The Torch of Learning Award is presented to leading men and women who demonstrate a deep commitment to education, their community, the Jewish people, and Israel. The Weinsteins have proven through a lifetime of service to their community, that they are worthy of this prestigious honor.

The Weinsteins have played a significant role in a wide variety of activities involving the general public as well as the Jewish community. Frances has demonstrated an untiring commitment to Jewish affairs through a number of organizations including the Waterbury Jewish Federation, the Temple Israel Sisterhood and through her work as president and life member of Hadassah. Her concern for the community knows no bounds. She has given generously to such worthy organizations as the United Way, the Child Guidance Clinic, the Girl Scouts, and she presently serves on the board of the Guilford Interfaith Housing Corp.

The family tradition of hard work and deep concern for people is exemplified by Beryl's involvement with the Waterbury Jewish Federation, Temple Israel, the Connecticut Jewish Community Relations Council, and the Council of Jewish Federations. Since founding the Doctors Diagnostic Laboratory, Inc., in 1946, he has remained active in the educational field with the Jewish Educational Service of North America and the Mattatuck Community College, where he currently serves as chairman of the board of the college's foundation.

Their commitment to education is critical. I hope my colleagues will join with me in commending them on receiving this prestigious award and I wish them continued success in all their future endeavors.

**ANOTHER LOOK AT OUR POW/  
MIA'S IN VIETNAM: WHAT WAS  
MOSCOW'S ROLE?**

**HON. BILL McCOLLUM**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. McCOLLUM. Mr. Speaker, I rise today to bring to the attention of my colleagues an article published in last Sunday's Los Angeles Times magazine, entitled "On the Trail of the MIA's" by Edward Tivnan. The author of this article raises important questions and brings to light details about the POW/MIA issue heretofore unknown.

One critical issue addressed in this article is the National Security Agency's role during the Vietnam war in the intelligence gathering and analysis of North Vietnam's radio and signals communications that revealed the capture and subsequent whereabouts of American pilots brought down over Laos and North Vietnam. Based upon the sworn testimony of Jerry Mooney, a former NSA analyst, "the United States Government had abandoned hundreds of American prisoners in Southeast Asia after the Vietnam war." He also claims, "that U.S. intelligence officials knew not only that Hanoi had withheld American POW's as 'bargaining chips' for future negotiations, but also that the North Vietnamese had handed over scores of

American airmen to the Soviets for interrogation; 50 or so POW's had disappeared into the hands of the Soviets."

I find this article especially enlightening and apropos in lieu of the expected Senate Hearings next week on the subject of American POW/MIA's left in Southeast Asia. The questions and concerns raised by the author should not be overlooked as they could prove to be extremely critical in the hopeful resolution of the POW/MIA issue.

I include the full text of the attached article in the CONGRESSIONAL RECORD following this statement:

**ON THE TRAIL OF THE MIA'S**

(By Edward Tivnan)

For 30 years, Jerry Mooney carried around in his head some of America's deepest secrets. His wife, Barbara, followed him to posts in Thailand, Okinawa and Ft. Meade, Md., but never knew exactly what her husband did every day. Mooney had pledged never to reveal anything he worked on or saw, and no one he worked with ever expected the quiet, upright, measured and meticulous Mooney to break that pledge. Ever.

Then in the late '80s, Mooney did an extraordinary thing. He gave secret testimony before a Senate committee and appeared on national television alleging that the U.S. government had abandoned hundreds of American prisoners in Southeast Asia after the Vietnam War. He also claimed that U.S. intelligence officials knew not only that Hanoi had withheld American POW's as "bargaining chips" for future negotiations, but also that the North Vietnamese had handed over scores of American airmen to the Soviets for interrogation; 50 or so POW's, he charged, had disappeared into the hands of the Soviets.

For many families of men "missing in action" in Southeast Asia, Mooney's revelations were the next best thing to a real-life Rambo rescuing an American POW from the jungles of Laos or Vietnam. Since the end of the Vietnam War, MIA activists had been waging their own guerrilla war against the government, convinced that the United States was not telling all it knew about the fate of more than 2,000 men who remained unaccounted for. Jerry Mooney, however, was no Rambo. He had spent most of his 20-year career in the Air Force behind a desk, assigned to the National Security Agency, the nation's largest and most secretive intelligence operation. As a code breaker and analyst, he eavesdropped on radio and signals communications around the globe. During the Vietnam War, Mooney culled information about American POW's from literally tons of North Vietnamese communications that America had intercepted with its high-flying, intelligence-gathering planes and ground-based listening posts.

When Mooney went public in 1987, he was the first member of the intelligence community to break his vow of silence and talk about the top-secret POW data that had crossed his desk—and what he had to say amounted to charges of a massive MIA cover-up.

It was startling stuff. But the U.S. government all but ignored Jerry Mooney. The Pentagon quickly and strenuously declared that "the commonly repeated myth that U.S. personnel with specialized technical knowledge were kept in Vietnam or sent to third countries is not supported by any evidence." After all, officials have pointed out, of the 591 POW's who did return from Vietnam, not one remembered ever having been interro-



gated by Soviet officers. But the government made no effort to discredit Mooney's outstanding NSA service record, and it did not dispute that Mooney had been in a position to see POW-related intelligence data. And though, according to Mooney, representatives from the NSA and Justice Department warned him to "shut your mouth," he was not prosecuted for breaking the law by divulging secrets.

But where were the other Jerry Mooneys? As Mooney says, "I just got a little piece of the rock. People in higher positions saw more." Even those who wanted to believe this NSA whistle-blower wondered why no one else—from among the hundreds of NSA, CIA and Defense Intelligence Agency workers who could have seen similar data—had emerged to support Mooney's claims.

During the next four years, Mooney tried to get his side of the story out to official Washington. He talked to lawyers, to state legislators, to congressmen. He talked to MIA families about what he believed had happened to their loved ones and swore out and filed affidavits on their behalf. At the same time, mud was slung in Mooney's direction. He was "off the wall," intelligence sources told interested members of Congress, "a flake."

In the end, Mooney had little effect. Presidents Reagan and Bush may have called accounting for the MIAs "the nation's highest priority," but Mooney's allegations, along with the entire MIA issue, slipped back into history as the country accepted the idea that all that could have been done to account for the nation's MIAs had been done.

Their fate, however, continued to dominate Jerry Mooney's life. During the past few years, he admits, "I've felt pretty alone."

No longer. A six-month investigation I conducted in the United States and the Soviet Union has turned up intelligence sources who confirm Mooney's story. Another former NSA analyst, retired air-defense specialist Terrell A. Minarcin, has come forward with his own stories about American POWs held after the war ended and interrogated by the Soviets. And in several interviews in Moscow last winter, Soviet intelligence sources admitted for the first time that the Russians made secret arrangements with Hanoi to interrogate American POWs. "In my time in intelligence," says retired KGB Maj. Gen. Oleg Kalugin, a former head of Soviet foreign counterespionage, "we did participate in the interrogation of American prisoners."

Mooney, Minarcin and the Soviet sources do not claim to have evidence of Americans still alive in custody anywhere. But their stories combine to create compelling testimony that Hanoi lied about returning all the American POWs in its custody in 1973 and that the best proof of this may be in the files of a North Vietnamese ally: the Soviet Union.

These revelations come at a time when the MIA issue has leaped back into the headlines. Last spring, Army Col. Millard Peck, chief of the Pentagon's Special Office for Prisoners of War and Missing in Action, angrily resigned. The government's MIA efforts were a "travesty" and a "charade," he charged. "A coverup may be in progress." Peck, a highly decorated career intelligence officer, later told members of Congress that there was "a strong possibility" that Americans were still alive in Southeast Asia. Shortly after that, the Republican staff of the Senate Foreign Relations Committee released an updated draft of a 120-page report on the MIA issue confirming Peck's claims. Within weeks, the Pentagon investigated and

offered a rebuttal: "There is no foundation to support" Peck's charges.

The Pentagon also continues to issue blanket denials of Mooney's allegations: "For the past few years," it recently told *The Times*, "Mr. Mooney has made various claims to possess information on U.S. POWs. U.S. government records have been checked, including all intelligence sources, and there is nothing to support Mr. Mooney's claims. Further, we have no intelligence to support a belief that U.S. prisoners were taken to the Soviet Union."

To try to settle the MIA issue once and for all, the Pentagon has opened an office in Hanoi—the U.S. government's first official presence in Vietnam since the war—to research the fate of the missing men. And the Senate, at the instigation of Sen. Robert C. Smith (R-N.H.), a Vietnam veteran and a persistent MIA activist in Congress, voted last summer to hold Watergate-style hearings on the issue. The temporary Select Committee, chaired by Sen. John Kerry (D-Mass.), also a Vietnam veteran, is likely to begin hearing testimony this week. According to Smith and Kerry, the committee will explore the Russian connection: "Mooney is a critical witness," said Frances Zwenig in Kerry's office. Mooney may have company. The committee reportedly has been approached by former and current members of the intelligence community willing to talk about MIAs if the Senate promises them immunity.

Roger Shields, deputy assistant secretary of defense in charge of POW/MIA affairs from 1971 to 1976, has long been an MIA skeptic. He dismisses nearly all claims by activists as rumor and innuendo. "The smoking gun," he says, "has not been revealed." In his years in the Defense Department, Shields says, he never saw anything that suggested that any prisoner was ever interrogated by the Russians. Yet he calls Gen. Kalugin's statements "a very hot lead."

"If [he] is willing to talk to us and can give details that will make sense," Shield says, "if he's the guy who was involved, that's the kind of thing I'm talking about when I say 'smoking gun,' and definitely grist for the Senate investigation."

In 1965, President Lyndon Johnson ordered the bombing of North Vietnam, code-named "Operation Rolling Thunder." The North Vietnamese, with virtually no air force of their own and no anti-aircraft defense system, sought help from their communist ally, the Soviet Union. Moscow trained North Vietnamese pilots to fly MIGs, and the Soviet Union also sent one of its most effective surface-to-air missile systems to Hanoi—the SAM-2. To deploy the SAMs, the government of Leonid I. Brezhnev dispatched a group of "advisers" under civilian cover to Hanoi.

The arrival of the SAMs in Vietnam alarmed American strategists, according to U.S. military historians. It was a SAM that had knocked Francis Gary Powers' U-2 spy plane out of the sky in 1960. Nikita S. Khrushchev boasted that Soviet airspace was impenetrable. "We didn't believe that the Americans could successfully interfere with our missiles," recalled Lt. Gen. Vladimir Abramov, commander of the Soviet Air Defense Forces in Vietnam from 1965 to 1968, in an interview in his Moscow apartment last winter. But when the shoot-downs in Vietnam were totaled at the end of 1965, the SAMs had achieved a pathetic kill rate of 5%.

"By mid-1966, the performance of the SAM was an embarrassment," says Robert S. Hopkins III, an aviation historian. During one

week in 1966, Hopkins has learned from contemporary reports, the Soviets launched 29 missiles and scored only a single hit.

Soviet prestige—not to mention the war effort—depended on finding out how American planes were evading the SAMs. The obvious sources of up-to-date American intelligence were the hundreds of American airmen who were literally falling into the arms of Moscow's loyal allies, the North Vietnamese. Sitting in Okinawa in 1968, Jerry Mooney, an old Russian hand, naturally assumed, as did his superiors, that the Soviets would not leave Vietnam without carrying back as much knowledge about enemy air power as possible, up to and including the interrogation of American prisoners. But Mooney suspected that the North Vietnamese would be secretive about handing over POWs to the Russians. He didn't expect to find evidence of it in the low-level intercepts he was "working."

Then, in 1968, in uncoded "plain text," he saw a transcription of a casual radio conversation between guards worried that a passing F-4 might have photographed a camp for Americans near Cu Lo, northeast of Hanoi. Subsequent radio transmissions among North Vietnamese troops referred to the *my*-Vietnamese for Americans—in trucks being escorted toward an airfield at Bai Thong by the *ban*, the "friends," a term Mooney says the North Vietnamese routinely used to refer to their Soviet allies. Further intercepts confirmed that the airfield was a holding area for American POWs. Bored with tracking the movement of troops and supplies down the Ho Chi Minh trail, Mooney began searching for POW information in his data. He was amazed at how much he found. Sifting through current and past intercepts, he saw what he believed to be references to prisoners being shifted from camp to camp, to the presence of Soviet advisers in the area of the camps, to execution orders, to prisoners being assigned to slave labor.

But Mooney couldn't convince his superiors that scouting for prisoners should be part of intelligence gathering in Vietnam. The NSA was "tasked" only to track materiel and personnel moving up and down the Ho Chi Minh trail and to provide air-defense information to U.S. pilots. In 1970, when he returned to agency headquarters at Ft. Meade, Mooney was still keeping unofficial tabs on the POWs, still dogging his bosses. Finally, in 1971, he says, he got the go-ahead to report POW information through official channels.

Mooney became a grudging admirer of the North Vietnamese air-defense system. The North Vietnamese had quickly learned to spot the U.S. planes, track them with their own radar, target certain aircraft and "flak-trap" them. Shells from a large gun would force a plane to veer into the sights of smaller guns, increasing the probability that the plane would crash-land in place large enough for future examination. Sixty percent of the planes were being knocked down by anti-aircraft cannon, not by the SAMs.

The interceptions showed that the North Vietnamese were sorting American pilots into categories as soon as they hit the ground, Mooney says. Those downed near Hanoi went into the prisoner-of-war complex that came to be known as the Hanoi Hilton, where they were held for propaganda purposes; many captured near supply lines were used for slave labor, and any prisoner unlucky enough to have killed a North Vietnamese officer during a bombing raid might be executed (a bullet in the back of the head was the preferred method).

Mooney remembers that he and his colleagues called the American stars falling

from the sky "manna from Lenin" for their priceless value to Soviet intelligence. They included alumni of the space program, flyers with technical degrees, officers specializing in electronic warfare and crew members of secret planes.

These "special talents," says Mooney, often ended up in a camp across the border in Laos, near Sam Neua, the stronghold of the Pathet Lao. According to Mooney's analysis of the intercepts, all the evidence pointed to Sam Neua's being "the main Soviet interrogation center." The "friends" were there in high numbers, according to intelligence gleaned from enemy defectors and South Vietnamese spies. NSA intercepts also alerted Mooney to "a high concentration of flights" into the area. The Vietnamese appeared to be transporting POWs by truck from the camp near Cu Loi to Bai Thong, where they were flown by IL-14s—Russian transport planes—to Sam Neua. Mooney concedes that analysis in the DIA thought that the main Soviet center was at Lang Son, northeast of Hanoi, but he never saw what he considered to be adequate confirmation of that.

Among the brightest of the United States' "special talents" in North Vietnam were the crews of the two-seater F-111s, then the Air Force's latest and hottest fighter bomber. Mooney says his orders were to pay special attention to lost F-111 pilots, and he tracked them all via their own before-crash transmissions and intercepted North Vietnamese communications. In 1968, intercepts showed that two F-111s were flak-trapped with all four men surviving. Further intercepts indicated that these men were taken to Sam Neua. The North Vietnamese, Mooney concluded, had handed them over to the Soviets.

In September, 1972, the 361st Division of the North Vietnamese artillery shot down a third F-111 crew. According to the data that Mooney saw, one American died; the other was sent along the route to Gu Loi, Bai Thong and Sam Neua. In October, another one went down and Mooney saw evidence of one survivor (however, after the war, the remains of both members of this crew were returned to the United States). Two more F-111s went down in November. In one case, both crew members survived and ended up with the "friends." In the other, Mooney's information showed no survivors. Then in December, a seventh F-111 went down. According to Mooney, the intercepts showed that the crew did not eject before crashing into the Gulf of Tonkin, off Vinh Linh in North Vietnam. He considered them killed in action.

The crew of only one of the F-111s lost in Vietnam returned home with the POWs in 1973. The fighter—the last F-111 casualty of the war—fell on Dec. 22, 1972, one month before the peace accords were signed. These men were part of another pattern that Mooney noticed in the POW data he saw: Near the end of the war, the intercepts no longer showed "special talent" being moved to Sam Neua. It appeared that Hanoi was saving POWs for a prisoner exchange, rather than turning them over to the Soviets. Mooney says the NSA called it "Operation Warm Body Count."

In late 1972, in preparation for the negotiations he knew were inevitable, Mooney began to compile lists of all the men he had tracked as missing or captured—about 1,000 names in all. When the North Vietnamese eventually turned over 591 POWs in 1973, President Richard Nixon announced exultantly to the nation: "All our brave men are back home again."

To Mooney, Nixon's pronouncement was pure politics. After crossing the names of the

released men off his list, and others accounted for by those men, Mooney still had a roster of 290 unaccounted-for Americans he believed to have been captured alive. About 50 of those men he marked "MB"—for Moscow Bound. While he had seen no specific intelligence showing that prisoners had been transported to the Soviet Union, what he had seen made him suspicious. "MB" stood for the "special talents" that he had tracked until they disappeared—in his estimation, into Soviet hands.

Four "special talents" were particularly fresh in Mooney's mind. After the cease-fire, in February, 1973, the North Vietnamese shot down an EC-47Q reconnaissance plane. U.S. intelligence officers on the ground quickly learned that some of the crew had probably survived. According to Mooney, NSA intercepts confirmed that the number was four and that they were headed for Hanoi. Hanoi, however, returned no EC-47Q survivors. To Mooney, the crew members were logical candidates for Soviet interrogation. All of them were experts in electronic surveillance, and at least one—Peter Cressman—had analyzed intelligence on the Soviet Union before his stint in Vietnam. They were among the last names he listed "MB."

Mooney assumed that, behind the scenes, every effort was being made to account for or bring home the men he thought had been captured alive. He insists that according to orders at the NSA, even four years after the war, "the highest national priority, right down to the intercept desk and reporters, was to isolate, identify and recover American POWs, particularly in Laos." (More than 600 men were reported missing there; not one has ever been accounted for.)

In 1977, Mooney, then a master sergeant and the noncommissioned officer in charge of airborne intelligence-gathering operations for the 6970th Air Base Group at NSA headquarters, retired from the Air Force after having served 20 years, two months and two days. According to written reports of his superiors, Mooney's had been an exemplary career in intelligence analysis. "A perfectionist," wrote one of his bosses. "Mooney is one of the most outstanding NCOs I have ever had the pleasure of supervising," wrote another. Mooney's evaluations or his Vietnam service, for example never fell below the highest rating.

Upon retiring, Mooney went with his wife, Barbara, to her home state of Montana, taking up residence in a town so remote that it didn't receive network TV. Mooney took a job as a grocery store manager and began looking forward to watching his daughters grow up and to "having my piece of the American dream."

Mooney's American idyll ended in 1985, the year cable TV brought national news to the wilds of Montana. Tuned into CNN one night, Mooney saw a report about the first American excavation of a Vietnam War air-crash site in Laos. According to the government, the remains of the entire 13-man crew of an AC-130A Spectre gunship, shot down in 1972, had been found.

Mooney was stunned. He stormed around the room kicking the furniture. "I knew the government was lying," he says. Hours after the gunship had gone down, intelligence had landed on Mooney's desk reporting that five of the plan's crew had bailed out and been captured alive. According to Mooney, an NSA analyst in another office later received confirmation from different source that the five Americans were indeed in enemy hands.

After a few phone calls to NSA buddies, Mooney found that while he had been enjoy-

ing his retirement, the government, beginning in 1977, had reclassified the more than 2,000 MIAs in Laos and Vietnam as "presumed dead," although just a year earlier hundreds of them had been classified as alive. "I was totally shocked—that's the only word for it," recalls Mooney. "You don't abandon your own guys who are fighting and dying for their country." He knew there was nothing he could do without breaking his NSA secrecy vows, and unthinkable step.

But his secrets started gnawing at him. He began to suffer severe chest pains. Three stints in the hospital and a heart catheterization revealed a healthy heart. Mooney confided in a friend, a Roman Catholic priest. "Father Jim looked me straight in the eye and said: 'If you don't want the cold hand of God's justice wrapped around your heart, get out and do something about it.'"

In January, 1987, Mooney went public in "We Can Keep You Forever: The Story of the MIA's," a television documentary produced by Ted Landreth and me in association with BBC Documentaries. In the few minutes of television time allotted to him, Mooney told his tale of POWs left for dead and men he had listed as "Moscow Bound." Then he waited for the story to break wide open. Instead, it died amid blanket government denials.

Mooney decided that the next time around he would tell everything he knew, secrecy and prosecution be damned. He began to prepare himself by ransacking his memory for each bit of MIA data he could recall, eventually piling up 400 pages of fact, analysis and theory, complete with his own rough sketches of the position of anti-aircraft batteries and maps revealing the extent of U.S. airborne intelligence-gathering operations. According to Mooney, during the early 1970s, the United States was flying its most sophisticated intelligence planes over Southeast Asia—U-2s and specially equipped C-130s over Laos and EC-135s over the Gulf of Tonkin—16 hours a day, seven days a week. "For the government to say 'we have no evidence' about POWs and MIAs is absurd," Mooney says.

Mooney challenged the government to prosecute him not only by divulging his secrets but also by swearing out and signing affidavits on specific MIA cases and sending them to mostly unresponsive U.S. senators. At the urging of then-Congressman Robert Smith, Mooney even wrote to the DIA requesting a closed-session meeting. The letter was returned unopened and stamped "N.G.B."—Not Government Business.

Mooney had been one of the NSA's prized performers; now he was a Washington pariah. He began to wonder if anyone else privy to similar intelligence data would ever join him out on his limb.

In a jaunty cap—the type a British sports car driver might wear—an American-style beige raincoat, a gray suit and tie, Maj. Gen. Kalugin, one of the KGB's top officials over two decades, ushered his visitors past the security police and into the Moskva Hotel off Red Square. A member of the now-disbanded Congress of People's Deputies as well as the Supreme Soviet, Kalugin, who left the KGB in 1990, confirmed in a one-hour interview last March that the Russians had interrogated American POWs in Vietnam.

A few days before, in a separate interview in Moscow, the former head of the Soviet Air Defense Forces in Vietnam, Col. Gen. Abramov, said that he'd been disappointed at the results of the North Vietnamese interrogations of American POWs: "They didn't



even know what to ask," he said. Still, the Soviets hadn't taken over the interrogation. According to Abramov, there was a strict agreement between Moscow and Hanoi: "The Soviet specialists would not have any contact with the Americans."

How did Kalugin square Abramov's denial with his own information? Kalugin smiled and then explained: "You see, the generals may not know." Kalugin said he himself worked hard to persuade then-KGB chief Yuri Andropov to work out an arrangement with the Ministry of Interior in Hanoi—"not the military," noted Kalugin—to allow the KGB to go to Vietnam to interrogate Americans. It was all done, Kalugin said, "at a very high level."

KGB agents were dispatched for stints in Vietnam to interrogate select Americans, Kalugin remembered. "I was not there myself," he said in idiomatic English, "but I knew people who went to Vietnam to take part in the interrogations, to collect intelligence information." One "subordinate," he said in a later telephone conversation, interrogated a navy pilot. Kalugin recalled that one such conversation took place "in 1976, after the war." When pressed on the year during two separate interviews, Kalugin stuck to his story: The KGB was interrogating Americans even after the war. He claimed that he personally oversaw from Moscow the interrogation of an American CIA agent in Hanoi. "We were not the chief interrogators," Kalugin hastened to add. "We were present. We sometimes asked the questions \* \* \* [The North Vietnamese] were the sole responsible party. Our role was to collect intelligence, but at no time, to my knowledge, were we aware of [the prisoners'] future destinies, whatever happened to them afterward."

The mystery about what happened to the American POWs deepened when another Soviet source appeared. Yuri Pankov, a reporter for the Moscow newspaper *Kommersant*, coordinated and collaborated on the Soviet end of the investigation for this story. Through a KGB official, Pankov put out the word that he wanted to speak with officers who had knowledge of KGB interrogation of American prisoners in Vietnam. His contact's identity as a KGB agent was confirmed by retired KGB Col. Yaroslav Karpovich, who worked in domestic counter-espionage and who in 1989 was the first former KGB officer to denounce the agency. Pankov's contact told him to expect a telephone call.

Within days, the phone rang and the voice at the end of line told Pankov, "I have information about the subject you're interested in." The caller told Pankov to meet him at a particular Moscow street corner and to bring a map of Vietnam. At the meeting, the source said he was a KGB officer but refused to give Pankov his name.

In 1966, the source told Pankov, he had gone to three locations on the Ho Chi Minh trail in South Vietnam and in Laos, specifically to interrogate American POWs. He pointed to each location on the map Pankov had brought to the interview. In Laos, the source interrogated ground personnel captured near Da Nang, asking them specifically about American air tactics in the area—radar-jamming devices and the flight patterns of the RB-47, a strategic reconnaissance plane. The interrogation lasted two days; the third morning he was told that the nine Americans were dead. Surprised, the source went to see for himself—and said he found the men with their throats slit, the work of the North Vietnamese.

The second group he interrogated consisted of "military personnel" captured in the Pleiku area and one American pilot. The Russian source remembered that the pilot still wore his jumpsuit and carried his helmet. He had no idea what happened to those men.

His final stop was the tunnels of Cu Chi, an underground Viet Cong stronghold in South Vietnam. The source claimed that many prisoners were held there, including pilots. He interrogated the pilots but did not know their destination. The source did not provide information of Americans held after the war ended.

Mooney has a mixed response to the information that Soviets had interrogated American POWs: "I'm happy that I've got some support, but it really bothers me that it had to come from the Russians." Within weeks, however, another source surfaced and went on the record—this time another American.

In September, 1987, Terry Minarcin and some channel-grazing friends in Tacoma, Wash., hit upon a showing of the BBC documentary about the MIAs. Minarcin, a retired Air Force master sergeant, saw shots of a familiar, bespectacled face. "That guy was my boss," he announced to his friends. He didn't tell them how shocked he was. "Mooney was the last person I thought would be the first person to break silence on the MIA issue," Minarcin says.

For 18 years in Okinawa, Taiwan, Thailand and at NSA headquarters in Ft. Meade, Minarcin, a Vietnamese linguist, was an air-defense specialist. Like Mooney, he decoded reported and analyzed communications intercepted by NSA equipment.

Minarcin, now 44, confirmed that gathering POW information was not part of the NSA's job in Vietnam. But like Mooney, Minarcin began to notice patterns concerning POWs in the intercepted "systems" he was decoding in the late '60s. The data indicated that downed American flyers and captured covert operators were ending up at camps in areas where intelligence had placed Russians. Minarcin says he filed routine reports on such information, most of it from relatively low-level communications.

Starting in 1968, the data suddenly got a lot better. NSA analysts, Minarcin says, broke a Vietnamese code that allowed them to interpret high-level political communications about internal security matters. For the next 18 months, until the enemy upgraded to a more complex radio system, NSA analysts listened in on discussions about "political re-education camps" for South Vietnamese POWs—the *nguy*, or "puppets"—and the American POWs—the *tu binh my*. In some intercepts, the Americans were called *giac lai my*, "bandit American pilots," who were being sent to prison camps south of Hanoi near Thanh Hoa, Thai Binh and Ninh Binh. The communiques also indicated which groups required "white hats"—Vietnamese slang for members of the state security apparatus—who, according to the pattern Minarcin saw in the intercepts, only accompanied American prisoners who were not headed for the Hanoi Hilton.

Minarcin believes that Russians were at the other end of the shipments he began discovering in 1968. He bases his conclusion, as does Mooney, in part on data showing that Soviet "advisers" were based in the locations to which the Vietnamese were sending the POWs.

Then in 1971 and 1972, Minarcin and his colleagues began seeing Vietnamese references to "going to market and needing *qua*"—fruit. "Like a shopping list," Minarcin theorizes.

They had already figured out that *qua* referred to rockets—as in "the F-4 is loaded with *qua*"—and that bananas referred to guided rockets, and that other fruits referred to other ordnance. But it took the air-defense analysts two years, according to Minarcin, to see enough fruit references in the coded traffic to surmise that imprisoned airmen in the "market" were designated by the "fruit" their planes delivered.

Minarcin stresses that, unlike Mooney, who returned to Ft. Meade in 1970 and soon received permission to focus on the POW problem, "I had other things to worry about, like Joe Blow sitting on a runway and whether a Vietnamese triple A—anti-aircraft artillery—was preparing a flak trap for him." Minarcin says that sometimes a year would go by without his processing a POW reference. Nevertheless, he did see evidence "of a very high validity" that American prisoners were alive, held in special camps, and that the Soviets were invariably nearby. One case in particular sticks in his mind. It involved a fellow intelligence analyst, an EC-47Q crew member, who was shot down just 12 hours after he and Minarcin had had a beer together in a bar in Thailand. The man's name was Peter Cressman. Like Jerry Mooney, Minarcin saw the radio traffic about the EC-47Q and knew that "bandit American pilots" had been captured. Minarcin says that a month later, NSA surveillance picked up a request from a military complex near Vinh for language experts to interrogate "the SIGNINT [signals intelligence] specialist" who had recently been captured. Minarcin reckoned that his friend had fallen into Soviet hands.

In 1977, four years after the signing of the Paris peace accords, the Carter Administration began reviewing MIA cases and reclassifying men "presumed dead." But in 1978, Minarcin, then back at Ft. Meade and still working on Vietnam surveillance, continued to run across references to American POWs who, he believed, were alive. In one case, Minarcin says he overheard a radio operator complaining to the man at the other end that bad weather had destroyed their rice and he had been sent to Bai Thong to get rice; there he saw American POWs, who, he griped, were drier and better fed than he was. Mooney had identified Bai Thong as a holding area for American "special talents" in 1968.

In February or March of 1978, Minarcin says, he saw a Vietnamese military communique giving the flight itinerary of a helicopter scheduled to leave the Bai Thong airfield with 12 *tu binh my* (American POWs) and transport them to Muong Sen. There, the Americans were to load the chopper with wood that had been cut by other American POWs. "When I told my colleagues of this communique," Minarcin says, "I was told not to report it, as all POWs were considered dead."

Minarcin, unlike Mooney, also claims to have come across specific transportation data that he feels support the idea that American POWs did not simply disappear into the hands of the Soviets, but that they were actually taken to the Soviet Union. In late 1977 and early 1978, while analyzing daily flight schedules listed by Hanoi's civilian aviation control, Minarcin came across references to special flights scheduled from various locations in Vietnam, including, he realized, areas where earlier intelligence had indicated American prisoners were held. "Special flight A," according to his analysis, referred to high-level military passengers, "B" referred to high-level political pas-

sengers, "C" was a planeload of international diplomats. "D was the last category," explains Minarcin, who says the radio code used by Hanoi aviation control was easily cracked because the Vietnamese were using captured American coding machines. "The D flights would always originate in a POW area, fly to another POW area or Soviet interrogation center and back, or to Hanoi and out of the country."

Minarcin paid particular attention to the D flights, checking out pilot and air-traffic communications related to them. The intercepts, he says, showed that in the six-week period he monitored, at least once a week men would leave D flights at Gia Lam airport in Hanoi, and Vietnamese security agents would march them into a nearby holding area. "Within a matter of hours," Minarcin says, "a Russian airliner, usually an 11-62, would depart Gia Lam for Moscow." Minarcin says that when analysts checked back through intercepts they found earlier examples of similar flight patterns in and out of Gia Lam.

In 1982, Minarcin heard through NSA associates working on Soviet intelligence that they'd also tracked planes from Hanoi to Moscow during the '70s. The word was that passengers from those planes were then flown to areas of Siberia requiring special clearance and secured by the KGB. It is only a theory, but Minarcin believes that some POWs ended up in Soviet custody.

All this came back to Minarcin when he was Mooney on TV in 1987. Retired from the Air Force in 1986 and living in Washington state, Minarcin wanted to call Mooney and say that he, too, was bothered about the missing men and what he remembered from the Vietnam intercepts. But he didn't know how to reach Mooney and ended up keeping what he knew to himself.

Then last Easter, on a trip to Florida, Minarcin ran into his past again. He saw a story in the Tampa Tribune about the efforts of the Cressman family to persuade the government to turn over information about their son Peter. Minarcin was stunned to realize that all the members of the EC-47Q crew were now considered killed in action. He called the Cressmans and told them that he believed their son had been captured and, perhaps, had been turned over to the Soviets. The Cressmans said that they had heard a similar story from Minarcin's old boss, Jerry Mooney.

After making the phone call, Minarcin realized that he had crossed a line. Like Mooney, whom he had not seen since 1974, Minarcin was finally ready to tell all that he knew.

Although the Pentagon still insists that there is no evidence to support a Russian connection to the MIAs, even a skeptic like former deputy assistant secretary of defense Roger Shields grants that the Soviets would have had good reasons to talk to American POWs. The Soviets would have to have been "far more incompetent and far more unaware and far more stupid and lackadaisical about things [than we think they are] not to have talked to an American flier about his aircraft, tactics, anything he knew about strategic plans and so forth," he concedes.

Retired Air Force Lt. Gen. Eugene F. Tighe, chief of intelligence for the Pacific Command in Vietnam and later head of the DIA, agrees. "We professional intelligence officers believed that [special talents] would be a high priority for the Russians." To Tighe, who headed a panel in the late '80s that examined to POW/MIA evidence, the fact that returning POWs denied being ques-

tioned by Soviets just didn't make sense. "It was amazing," he says. "Something was missing." In 1981, he told Congress that he was personally convinced that American POWs had been left behind in Southeast Asia. Now he says, "When I testified before [Congress], as I did every six months or so when I was head of the DIA, I said repeatedly that there were three possible explanations as to what happened to the men who did not return: (1) They were held for reparations—the Vietnamese had a tradition of hostage-taking; (2) they were maimed and the Vietnamese were simply embarrassed to give them up, and (3) they were 'special talents' who were held to trade with the Soviets and the Chinese."

Still, neither Tighe nor Shields saw data or analyses such as Mooney and Minarcin describe. Says Shields: "No intelligence I ever saw \* \* \* even raises as a possibility a specific American who was turned over to Russians or interrogated by Russians."

Why wouldn't the reports have made it to Shields or Tighe? Mooney and Minarcin assumed their work went through regular NSA channels to the DIA, CIA and White House. Now Mooney wonders if the internal operations and rivalries of the U.S. intelligence community might have prevented the analysis and data from getting to Shields and others at the top levels of government. "We couldn't send data forward on our own," he says. "The NSA are producers of intelligence, not users."

Mooney recalls that the first time he referred in a transcription to "the friends," he got a call from CIA analyst asking, "Who the hell are the friends?" Mooney also notes that neither the DIA nor those preparing for the Paris peace talks ever requested the raw POW intelligence that the NSA informed them they had collected. "I just assumed they had better data," he says. He also says that after the POWs came home in 1973, he called a DIA analyst to remind him about the men they both knew were captured but hadn't been returned, including the EC-47Q crew. The reply, according to Mooney: "Yeah, we know. We're working on it."

"I just can't believe that the NSA had all this material that never went into the system anywhere," Shields says. "I can't believe that my own DNA people who were coordinating the intelligence effort were keeping this from me."

Shields does remember seeing at least some of the same intelligence as Mooney and Minarcin; he also believes that Peter Cressman and other crew members of the EC-47Q were captured alive. He says that the Air Force, over his protests, declared them killed in action. Shields did not see evidence or analysis that led him to believe they ended up in Soviet hands, however. Still, he says, "If you can resolve the EC-47Q case, you will find out a lot about a lot of missing men." (According to a Pentagon spokesperson, the crew's change in status was "administrative, so that, for instance, wives could remarry and families could collect insurance. It did not reflect new information.")

Mooney and Minarcin claim that there are similar cases and much more evidence, perhaps too much. The eavesdropping equipment that the NSA used on the ground and in the air in Southeast Asia generated so much raw intelligence data—literally tons of it—that the DIA and CIA found it hard to digest. And "there was confusion as to who got what," explains Mooney, who served on a special NSA commission that evaluated the agency's performance in Vietnam.

And there remains no good access to MIA information. Neither Mooney, Minarcin nor Roger Shields, for example, was aware until recently of Nguyen Cong Hoan, a Vietnamese national assemblyman who defected in 1977 and the next year testified before Congress in closed session. In the political circles he traveled in, he testified, it was "everyday conversation" that Hanoi had held onto Americans as "trump cards." Hoan also said that he heard that some American prisoners had been sent to the Soviet Union for interrogation.

Mooney and Minarcin feel certain that they are not the only American intelligence analysts who saw the data they describe. What to do about it, they say, has split the intelligence community. Mooney says he has received calls from anonymous analysts still active at NSA who say they're rooting for him. "They ID'd themselves with an NSA phone number or cipher logs," Mooney explains. "They all say almost the same words: 'This is an issue that cannot be won, and we won't stick our necks out unless there's a chance of winning it.'"

Gen Tighe says it is unlikely that U.S. intelligence sources "of regard" will ever come forward. "I suspect that you're going to be able to get a lot of access to answers in the Soviet Union—from both the KGB and military sources. They feel an openness in speaking—these days—that will [benefit] our knowledge of the whole thing."

Indeed, the new openness in the Soviet Union, along with signs of new resolve on the part of American government officials, promises a fresh start in the effort to clear up the MIA issue in Southeast Asia. The Pentagon's Office for Seeking Missing Persons set up shop in Hanoi in July; its efforts—reviewing record, interviewing people and examining crash sites—have as yet yielded no results. And despite the official position of the government that there is no Soviet MIA connection, the State Department has formally requested access to KGB files to check them for references to Americans held from World War II through the Vietnam War. According to Deputy Secretary of State Lawrence S. Eagleburger, the government is cautiously optimistic that the Soviets will cooperate. In a letter to Rep. John Miller (R-Wash.) dated Sept. 5, Eagleburger wrote: "In light of the increasingly reformist bent of the Soviet government—and the appointment of a new minister of the interior—I am hopeful that the Soviet side will see the advantages of acceding to our request."

Meanwhile, the Senate is mounting its latest investigation. "Some people in the intelligence community say that Mooney is off the wall," says Sen. Smith, the only member of the Senate so far to have talked to the retired NSA analyst. "But they won't let you look at the files to substantiate their claim." In announcing the formation of the Select Committee, Smith said: "The executive branch has resisted giving Congress intelligence data on POWs and MIAs. They will either provide it willingly or we are going to subpoena data and witnesses. It's that simple. We want to see the intelligence as soon as possible."

Roger Shields advises the Senate to lean on Hanoi. "We've just never pressed the Vietnamese hard enough on the MIAs," he says. "There are serious issues to be resolved, and there is that commitment a nation makes to its people" not to abandon those it sends to war.

"I went public precisely because I still believe in that commitment," Mooney says. He



is eagerly awaiting his subpoena to prove to the Senate under oath that "I'm not some flake."

Indeed, Mooney, pointing to the manila folder that contains his 20-year service record of achievement and praise, prefers to see himself as a "hornet's nest" for official Washington—"a door they don't want to walk through." With anger rising in his voice, Mooney says, "All this has cost me time and irritation and a little money. It's been pretty lonely." He pauses and then marvels at the irony of Soviet sources admitting that Americans were interrogated by Soviets, and at the appearance of new information from Minarcin. The anger disappears. Mooney laughs and then announces, "I don't feel lonely anymore."

THANK YOU, DR. JENKINS

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. DARDEN. Mr. Speaker, today I rise to pay tribute to one of Georgia's finest school superintendents, J. Terry Jenkins, who is leaving his position in Floyd County to return to his native Troup County to lead its schools.

Under the exceptional leadership of Dr. Jenkins, the Floyd County School System has become one of the most impressive in the State. Dr. Jenkins has established a firm foundation of quality education for Floyd County's youth, and we are encouraged that this tradition of excellence will continue in the years to come.

Although the people of Floyd County are saddened by Dr. Jenkins' departure, his legacy of better education for Floyd County will long be remembered. We wish him well.

Mr. Speaker, I believe the following editorial in the Rome News-Tribune best expresses our appreciation for Dr. Jenkins' contributions to Floyd County, and I would like to share it with my distinguished colleagues at this time:

THANK YOU, DR. JENKINS

Dr. J. Terry Jenkins gets an "A" on his report card. In every subject.

It is difficult to contemplate losing as good a student of education as the Floyd County School System superintendent has turned out to be. He is, at the close of the calendar year, moving on to an opportunity he could not resist. He is going back home, to Troup County, to lead its schools.

Much as his departure is to be lamented by the many friends and supporters he has made, Jenkins is to be wished nothing but the best in this move. His decision, as he said, is based largely on personal and not professional reasons.

Troup County's gain is definitely Floyd County's loss. In his five years here, Jenkins has turned a troubled school system around.

The squabbling, distrust and allegations of wrongdoing are gone. There are new facilities everywhere, and more under construction. The caliber of the staff and its morale have been elevated.

Best of all, both parents and students now have confidence in the quality of education being provided. Taxpayers have become convinced that they are getting the maximum bang for the buck.

The shoes that Jenkins will be leaving behind are going to be hard to fill. The Floyd County Board of Education has named As-

sistant Superintendent Graden Mullis to take the helm from Jan. 1, 1992 until June 30, by which time it hopes to have completed its search for a successor.

It will be a difficult search, for the Floyd County system knows it needs to expand its never-ending battle to graduate students who can compete in a world growing ever more complex. It knows that tough budget decisions caused by tough economic times loom large.

Most of all, it will be a difficult search because Floyd County has become accustomed to having the best. No less will now do.

According to Board Chairman Steve Murdock, the qualifications for a successor are: "Someone who places children No. 1, someone with integrity, a progressive leader who can communicate well with the schools and with the community."

That is a description of Jenkins.

Troup County is getting all those attributes. Floyd County must now strive to retain them.

DUBROVNIK AND THE DESTRUCTION OF CROATIA'S HERITAGE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 29, 1991

Mr. BROOMFIELD. Mr. Speaker, in his efforts to build a greater Serbia and improve his political standing among his people, Serbian President Slobodan Milosevic has caused over 1,000 deaths and thousands more injuries, displaced over 200,000 people and brought untold damage to the Republic of Croatia. On Monday, the European Community delivered an ultimatum to the Serbian dictator: He has until November 5 to stop the cease-fire violations by the Serbian-led Yugoslav National Army. Unless the fighting stops and Serbia cooperates with peace efforts, the EC will impose trade sanctions and call upon the U.N. Security Council to also impose restrictive measures on Serbia. Most importantly, the EC may recognize the republics of Yugoslavia that cooperate with its plans.

While the world continues to be shocked by the bloodshed, another war is being waged against Croatia—the destruction of its heritage. Since June, the Serbian-backed army has destroyed hundreds of Croatian villages and towns and, along with them, many ancient churches and historic sites. Just last week, units of the Yugoslav National Army shelled Dubrovnik, an ancient city on the Adriatic coast dating back to medieval times. Already many architectural treasures have been damaged.

Years ago, Dubrovnik was declared a world cultural landmark by the United Nations. Its irreplaceable churches and buildings showcase Byzantine, Gothic, and Renaissance architecture. Each year, the lovely city draws thousands of tourists who bolster the economic strength of the Croatian coast.

Dubrovnik is one of only a few regions of Croatia that is purely Croatian. Over 60,000 people have been trapped in the city for over a month and are living in terrible conditions without water, electricity, and telephone lines. Many fled there after their nearby villages were destroyed. Although the international

community, including our Government, has spoken out against the shelling of Dubrovnik, little is being done to save the historic city.

The fighting in Croatia and the wanton destruction of Croatia's cultural heritage must cease. Mr. Milosevic's efforts to build a greater Serbia have brought about the current crisis and the disintegration of Yugoslavia. The country will never again be the same, and it is time for our Government to accept the new realities in that troubled region.

I commend the following Washington Post article on Dubrovnik to my colleagues in the Congress.

[From the Washington Post, Oct. 29, 1991]

ASSAULT ON A MASTERPIECE—HUNGER, DISEASE THREATEN DEFIANT DUBROVNIK  
(By Laura Silber)

DUBROVNIK, YUGOSLAVIA. Every day now, hundreds of people pass along the ancient cobblestone streets of this historic fortress city, pointing out to each other the damage done to its architectural treasures by Yugoslav army artillery.

The Rupe Museum of clerical stonemasonry has been hit, along with a synagogue, a monastery and the Minceta Tower—part of the medieval ramparts that have helped Dubrovnik fend off attackers from land and sea for seven centuries.

Windows in ornate Placa Square have been shattered by shellfire, and everywhere churches are secular buildings exemplifying Byzantine, Gothic and Renaissance notions of beauty and order have been boarded up and sandbagged. Army troops cut off food, fuel and water supplies to the 60,000 inhabitants of this Adriatic port city weeks ago, and now the stench of human excrement and rot hangs in the humid air.

"It's a clash between culture and barbarians," said Dubrovnik Mayor Pero Poljanec, referring to the month-old struggle for the city between Yugoslav army troops and militia forces of secessionist Croatia whose defense of the area has been steadily rolled back. "I am shocked that the world and Europe have permitted this kind of crime and aggression against this city of great importance," said Poljanec. "We will never surrender."

Dubrovnik has been declared a world cultural landmark by the United Nations, and the army offensive that has brought troops within a mile of its battlements and blasted holes in its monuments has drawn condemnation from the international community but little practical relief.

For their part, army commanders say they have issued firm orders that the old city is not to be fired on, and they maintain they are pressing the Dubrovnik campaign because Croatian militiamen use the city as a base for attacks on army positions. One senior Yugoslav military officer suggested last week that the damage done to historic buildings in Dubrovnik was not the result of army shelling, but of sabotage by defending Croats seeking to gain foreign sympathy for their cause.

Apparently, only about 500 lightly armed Croatian militiamen remain in the city, but they say they will ignore an army ultimatum to surrender their weapons and will defend the city to the last man.

Most of the thousands of civilians trapped in the city express similar defiance, even though many have been reduced to one meal a day and have not been able to bathe for a month. Food and drinking water reach Dubrovnik on the few ferries allowed through the naval blockade, but health

workers here say it is barely enough to avert starvation.

City hospital director Zoran Cikatic warned that an epidemic could spread through the weakened population. "The situation is critical for refugees . . . without water," he said. Local Red Cross officials estimate that 15,000 refugees from neighbouring towns and villages overrun by the army have sought refuge in Dubrovnik.

Cikatic said 21 civilians and at least that many militiamen have been killed in the fighting since the army began its advance on Dubrovnik October 1. More than 1,000 people have died so far in the four-month-old Yugoslav civil war, which broke out when Croatia and Slovenia declared their independence from the six-republic Yugoslav federation.

A cease-fire has been in effect in the Dubrovnik area since Saturday, but that has not prevented the army from tightening its grip around the city, a masterpiece of 13th-century urban planning whose double-walled fortifications hug the rim of a rocky promontory that juts into the Adriatic at the tip of southeastern Croatia. Today, army troops seized the suburban town of Zarkovica on a hill overlooking the city and hoisted the red-starred Yugoslav flag in clear view of the besieged Croats below.

Despite continuing peace talks, few here believe they will bring swift salvation for their city. "I don't believe in those cease-fires," said one woman who refused to give her name. "Every time there is an agreement, the army comes and shoots. . . . They want to use the city as blackmail, despite the outrage of the world."

Said another woman on her way to bathe in the Adriatic surf: "I don't know how we'll survive the winter. . . . Life has stopped for us in Dubrovnik."

#### LEADERSHIP AND THE LIBERAL ARTS COLLEGE

**HON. DAN BURTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 29, 1991*

Mr. BURTON of Indiana. Mr. Speaker, today I would like to enter into the CONGRESSIONAL RECORD an interesting article written by William Bryan Martin which appeared in the Washington Times on October 29, 1991. Mr. Martin is the president of Franklin College in Franklin, IN.

This article addresses very eloquently the challenges facing America's colleges and universities heading into the 21st century, particularly the challenge of developing future leaders. I strongly urge all of my colleagues, as well as college educators and administrators

across the country, to read this article and take it to heart.

[From the Washington Times, Oct. 29, 1991]

#### LEADERSHIP AND THE LIBERAL ARTS COLLEGE

(By William Bryan Martin)

Presidential rhetoric fills the air on our nation's colleges and universities: "The students being educated here in Great State University are those leaders who tomorrow will make the world happier, better and more free."

Such sentiments surely soothe alumni anxiety about the state of leadership in America and may even cause donors to open pocket-books.

But does the rhetoric reflect reality? Are American colleges and universities meeting the challenge of motivating and preparing tomorrow's leaders?

Higher education clearly did meet the challenge back in America's early past of small cities, farms and small colleges. That was the heyday of small, church-related liberal arts colleges where professors actually taught and students actually participated actively in their own education, both in and out of the classroom. Religion and ethics were respectable subjects for study; indeed, students ranged over the whole field of human endeavor from the natural and social sciences through the humanities on to the arts.

It was axiomatic that healthy bodies and strong characters were every bit as important as rich minds. In such soil, leadership sprouted and bloomed.

The colleges in those days had considerable help. Students came to college leadership-friendly, full of self-esteem and values passed on by their families and primed by the leadership lessons they had absorbed by osmosis from the adults in their small communities. Even the teachers in those proverbial one-room schoolhouses helped pave the way by stressing the basic and being supportive.

How times have changed! America has gone "modern," most colleges have gone "university," and leadership education and development are in trouble.

There's no one smoking gun, just a series of factors. The family, for one, has been weakened by poverty, divorce, single parenting and working parents. And the bigness, specialization, speed and complexity of modern life assures that the adult role models of today's youth are usually video, audio and digital blips.

Add to that the baffling failure of our elementary and secondary schools to transmit basic knowledge and essential skills, including those subjects so important to character formation—religion and ethics.

Then there's the general decline of the work ethic, the relatively poor physical condition of our youth and the disturbing rates of crime, clinical depression, suicide, AIDS and substance abuse.

Even when young leadership talent is identified, the system conspires to push that talent toward specialized careers that drain off potential leaders into highly compensated roles.

Unlike yesteryear, most young people today do not come to our colleges and universities leadership-friendly. They need more than ever the nurturing, personal, participatory, values focus atmosphere of the liberal arts college.

Unfortunately, just the opposite is happening. Today most students attend national research universities, large state universities and community colleges ill-suited for leadership education and development.

Critics speak of large bureaucratized institutions composed of Balkanized principalities of professors committed to research publication, a subject matter specialty and a professional guild rather than to students and the mission of the university. Knowledge itself becomes Balkanized, students specialize, young teaching assistants serve as the real role models and mentors and large classes are tested by multiple choice, true/false and fill-in-the-blank.

The appearance given by these large institutions of an abundance of participatory opportunities for students is illusory. In reality, few participate, namely those willing to specialize and perform as a semi-professional for an adoring public. Far too often the rest are regularly relegated to the sidelines, along with the audience.

Sadly, there even has been a shrinking of the university's mission. Rather than the time-tested ideal of a healthy mind and spirit in a healthy body, modern universities strive to shape, and sharpen the intellect. To contribute to such a mission sounds good, and is effective in producing bureaucrats, analysts, professionals and widgets.

But if it's leaders we need and want, such a missional definition is based on the deceptively faulty promise that such necessary qualities as strength, stamina, empathy, intuition and insight, perspective and perseverance, creativity, commitment, courage, ambition and aspiration are byproducts of intellect.

Next time you hear a college president bragging about leadership education, check it out. If the rhetoric matches the lives of the institution's graduates, chances are the president heads a small liberal arts college.

As in the past, that's where the action is in leadership education. And the need is more acute than ever. If leadership potential is to be saved, awakened and nurtured, then increasing numbers of contemporary students need to be educated in the personal, participatory, values-focused atmosphere characteristic of America's small liberal arts college.

Nothing less than the future depends on it. And that's no rhetoric.